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# **Philochoros and the Tradition of Local Historical Writing at Athens: Genre, Ideology and Methodology in the Reconstruction and Literary Presentation of Attic History.**

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- 8 NOV 2002

A thesis submitted for the degree of Ph.D. by  
Christopher J. Joyce.

*For my mother, in loving memory of my father.*



## **Statement of Declaration.**

I hereby declare that this thesis has not been submitted for higher degree at this or at any other university.

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## Abstract

The purpose of this thesis is to re-evaluate with special reference to the *Attic History* of the third-century historian Philochoros the nature of local historical writing at Athens, its sources, methodology and defining features. Attic historiography (or “Atthidography” as it is more commonly known) began in the late fifth century B.C. with a non-Athenian called Hellanikos and culminated with Philochoros in the third. Current consensus holds that these writers worked within a rigidly defined genre whose most salient hallmark was the schematisation of Athenian history around a list of annual archons and that the aim of each successive writer was to present history with a unique political slant. This thesis challenges conventional wisdom on three scores. First, it argues that, while there can be little doubt that Philochoros organised his *Attic History* in the shape of a chronicle, the historical treatises of his literary predecessors adopted different traits and in few instances exhibit an annalistic structure; this observation discourages the notion that Philochoros modelled his own treatise on earlier works of the same title or drew his historical material from those works. Second, it contests the idea that local historical writing was a function of a protracted ideological polemic at Athens: starting with the *History* of Herodotos and finishing with Philochoros, it argues that literary figures in most observable cases sought not to voice one side of public debate over given historical themes but instead sought to subvert public perception in its entirety. Third, it contends that Philochoros was able to construct an historical narrative largely, if not principally, from documentary evidence and that his debt to an earlier tradition of oral narrative was minimal. This thesis intends to subvert a tradition of scholarly thinking originating with F.Jacoby and to encourage re-consideration of entrenched doctrines and dogmas.



## Introduction

This is a study of the Hellenistic historian Philochoros and his place within a tradition of local historical writing at Athens. Though the title might imply a narrow focus upon Philochoros and the fragments of his writings, the more general aim of the study is to re-evaluate an influential theory formulated half a century ago by the German scholar, F. Jacoby, concerning the origins of Attic historiography and the sources from which writers of the fourth and third centuries re-constructed local Athenian history. Jacoby's theory, which will be expounded in greater detail in Chapter II, has won wide acceptance since its publication in 1949, and, while some scholars now entertain scepticism in certain details, no attempt has been made to re-evaluate it *ab integro*.

The theory may be summarised briefly. Local historical writing at Athens began in the fifth century B.C. with the researches of Hellanikos of Lesbos, whose *Attic History* (or *Atthis*) took the literary form of a chronicle and drew its fundamental historical material from oral informants. Subsequent Attic historians down to the time of Philochoros in the third century modelled their narratives on this treatise, adopting an annalistic rubric and incorporating into their works a tradition of historical subject matter derived from Hellanikos. The aim of each chronicler was to narrate a received tradition of historical material from a distinct ideological perspective: while some characterised the early constitution as oligarchic in structure, others laid emphasis upon its democratic features. Attic chronicle as a genre of writing resembled political pamphleteering in its aims and objectives, and Philochoros stood at the end of a literary tradition whose generic parameters were narrowly circumscribed and whose intrinsic purpose was to narrate history in line with a party political interest.

The model, as outlined above, has three basic implications. First, it implies that Philochoros depended for his knowledge of early Athens upon the researches of a fifth-century predecessor, Hellanikos, the contents of whose *Attic History* in effect he took over and embellished. Second, its imputation of a substantive debt to Hellanikos implies that the wellspring of Philochoros' material was, at least for those portions of the narrative treating the history of Athens prior to the fourth century, the body of oral tradition on which Hellanikos had supposedly drawn. Third, and most importantly, it



entails the notion that Philochoros wrote his work as a “response” to previous treatises of similar shape and concern and that his goal was to narrate history from a distinct ideological slant. All three implications, when taken together, inspire little confidence in Philochoros as a reliable authority for the history of his city, and, if Jacoby’s reconstruction of local historical writing at Athens and its sources wins any credence, the only natural conclusion is that Philochoros was the last of a long line of writers whose narratives were politically partisan, were factually distorted, and treated a tradition of historical material intimately rooted in the gossip of the late fifth century.

The following pages will re-assess Philochoros as an historian and, adopting a completely fresh theoretical standpoint, will measure the extent of his debt to a prior literary and intellectual tradition. In the process, they will maintain that Jacoby’s analysis both of local historical writing as a literary genre and of the aims, methods and resources with which researchers of the classical and Hellenistic periods re-constructed history was simplistic and altogether misleading. First, they will assess the idea that Philochoros modelled his researches on those of his literary predecessors within the tradition of local Attic historiography, beginning with Hellanikos in the late fifth century and ending with the *Atthides* of his near contemporaries Melanthios and Demon; the claim, it will be argued, rests upon an excessively rigid concept of generic conformity and underestimates the extent to which the local historians of Attica varied from one another in respect of their aims, techniques and methods. Second, they will assess Jacoby’s view that Philochoros wrote his *Attic History* to advance the interests of a political faction within the public sphere: this doctrine implies that history was contested by Athenian politicians in the classical and early Hellenistic ages and that historiography served as a mouthpiece for party politics; if, however, the evidence for the way Athenians of the fifth and fourth centuries conceptualised history is subjected to independent scrutiny, it is by no means obvious, as Jacoby claimed, that differences in the way local historians re-constructed history was a function of a protracted debate between contemporary political factions of different ideological hues, each projecting a biased account of history to suit its own political programmes and agendas. Third, they will challenge the theory that the local historians of Attica were, through their debt to Hellanikos, indebted to the oral tradition of the fifth century: this argument was formulated by Jacoby in an attempt to replace an older theory that local historical writing stemmed from a “pre-literary chronicle” in the keeping of a priestly board and rests upon an analogy with the historical methods of Herodotos, the oral inheritance of



whose *History* he assumed without question; drawing upon previous conclusions, they will argue that Philochoros' historical methods were innovative, involved serious original research into archival documentation, and that his debt to an earlier tradition of oral history *via* Hellanikos was therefore less significant than Jacoby believed.

The first chapter ("Philochoros and the *Atthis*") is devoted to the evidence for Philochoros' life and writings. Its aim is to assess the most important data pertaining to his literary activities, lifespan and public profile and to estimate within the limits of the existing testimony the shape, content and structure of his *Attic History*. While the fragments do reveal an interest in the history and development of the constitution, the majority pertains to what might for convenience be termed *res gestae* – *i.e.* military events, building programmes, ostracisms and exiles, laws, decrees, and all matters of some relevance to the history of the city. Thus, unlike the political and constitutional treatises of the previous century, Philochoros' *Atthis* was not concerned exclusively or even predominantly with the history of the Athenian constitution, and this observation alone casts doubt upon the theory that its primary aim was to advance an ideologically slanted view of the development of Athens' democracy. On the other hand, fragments that concern themselves with constitutional history *do* reveal the influence of fourth-century political theory, and it would be mistaken to envisage the *Atthis* as though its historical presentation was unaffected by certain intellectual and philosophical trends. Overall estimation of his work as a source for Athenian history should be positive, but not naively optimistic, and, while due recognition may be given to Philochoros as a reliable authority in most matters, care must be taken before placing excessive faith in his testimony pertaining to the evolution of the democracy (see Chapter III).

Chapter II ("Atthidography: Re-defining a Genre") examines the evidence for the literary activity of Philochoros' predecessors and, in so doing, situates Philochoros within a tradition of historical writing. Its aim is to assess the theory that the local historians of Attica wrote treatises whose form and content were similar and which, for reasons of close literary affiliation, were relegated under a single bibliographical classification in Hellenistic times. It will argue contrary to received wisdom that the title 'Ἀτθίς was applied to works of wider-ranging scope, interest and technique than scholars in the past have supposed and that it is mistaken therefore to envisage local historiography at Athens as if it adhered to rigid generic parameters. The conclusions of this chapter will affect judgment of the provenance of Philochoros' material (see Chapter IV), for, if it can be shown that the *Atthis* does *not* presuppose a long-



standing annalistic tradition, the idea that Philochoros modelled his account of fifth- and fourth-century history on earlier chronicles stands in need of re-appraisal.

The third chapter (“Local Historiography: Influence and *Tendenz*”) measures the political influences upon local historical writing and evaluates the claim that local Attic historiography, or, to use the modern shorthand, “Atthidography”, was a weapon of party politics. Incorporating the texts of Herodotos, Aristotle and the Attic orators, it traces patterns and trends in literary presentations of Athenian history and examines the extent to which these literary presentations were driven and moulded by political debate. Its contention is that, while Jacoby was correct that historians of the fifth, fourth and third centuries presented history in different ways and with different points of emphasis, the model he erected of contradictory perceptions of history generated by political “parties” in the assembly and affecting literary presentations of history is simplistic and misrepresents the complexities inherent in the way the Athenian public perceived the past and in the reactions of historians to those perceptions. Careful examination of historical, oratorical and philosophical literature of the fifth and fourth centuries suggests that perceptions of history within the public sphere did *not* divide into several neatly definable political camps, and, if nothing else, the sources show broad consensus among the body politic both as to the moral and prudential worth of democracy and as to the historical processes by which democracy came into being. Thus, caution must be taken before asserting on faith that local historiography was a function of local party politics, and, as a careful examination of important texts dating from the fifth and fourth centuries will show, tendencies in historical literature to interpret history in different ways need not be ascribed to the supposed existence of an ongoing ideological polemic in the public sphere, whereby history was invoked by different factions and interest groups as a means of propaganda and self-justification.

Chapter IV (“Sources and Methods”) investigates the materials from which historians of the classical and Hellenistic periods pieced together the early history of Athens. It begins with an examination of Jacoby’s main theoretical standpoints and questions the extent to which Philochoros and his more recent predecessors might have based their narratives on the *Atthis* of Hellanikos. In the process, it challenges the idea that Philochoros through a putative debt to Hellanikos owed any substantial debt to oral tradition. It then turns to the written materials available to historians of the classical and Hellenistic periods and tries to estimate the extent to which the local historians used documentation. Its main contention is that Jacoby overestimated the



value of oral tradition as a source for annalistic writing and conversely underestimated written (*i.e.* documentary) sources. While oral tradition may have exerted significant influence on early historiography, archival documents were a vital source for the later Attidographers, and a general examination of the evidence for archival preservation suggests that historians such as Philochoros had a wealth of documentary material at their disposal from which they could re-construct the early history of their city. The fragments of Philochoros' *Attic History* show how valuable records of laws, decrees, building accounts, inventories and other documents of an official nature were for historical and antiquarian research, and the indication of the external evidence that archival techniques existed from at least the beginning of the democracy, if not from before, lends support to the view that a local historian of the third century could rely heavily upon archival material. Thus Jacoby's generally positive estimation of the testimony of Philochoros can be vindicated if the notion is abandoned, to which Jacoby was at one and the same time curiously committed, that the documentation available to historians of the late classical and Hellenistic periods was negligible.

One of the main conclusions of this study is that, while Philochoros had at his disposal a wealth of literary and documentary material from which he could construct the history of Athens, at the same time he was not free from the influences of fourth-century political theory, as his conception of the evolution of the Athenian democracy reveals. Careful investigation into the aims and methods of Philochoros suggests that the tendency observable among writers of the classical and Hellenistic ages to distort and shape history into a particular theoretical mould does not preclude the possibility that a substantial body of reliable historical material was available for consultation. This study hopes to bridge a gap between two modern schools of thought, one holding that literary narratives, *qua* tendentious, cannot presuppose knowledge on the part of their authors of reliable historical tradition, the other holding that a reliable tradition was accessible to historians and antiquarians of later ages and in consequence that the scope for distortion and manipulation in literary presentations of history was limited. Its chief contention is that the question of *Tendenz* in historical literature must be kept separate from the question of how much historians could have "known" about earlier epochs. To be sure, tendentious historical narratives, once incorporated and absorbed into a wider literary culture, could influence the perceptions and presuppositions of later generations. Nevertheless, writers of later generations were capable of thinking for themselves, and, while indebted up to a point to their literary predecessors, they



possessed the necessary materials from which they could make independent historical judgments and rectify or elaborate upon earlier, more cursory historical narratives.

This brief synopsis throws into relief the main arguments and concerns of the study. While a shorter abstract can be found on page iii, it seemed necessary to supplement it with a more detailed analysis of the argument, which, as can be seen at a glance, embraces a medley of separate but inter-related issues and may therefore, without a preliminary guideline, appear confused and disconnected. The conclusions are contentious and, for the most part, militate against currently accepted reasoning; if they arouse disagreement, it is hoped that they will at least provoke re-consideration of some important creeds that, since Jacoby, have been accepted without criticism.

# I

## Philochoros and the *Atthis*

### 1.1. Literary output and transmission.

More survives of the work of Philochoros than of any other local historian of Athens.<sup>1</sup> By far the greatest of his achievements was the *Atthis*, a chronicle of seventeen books relating the history of Athens from her legendary origins down to the early Hellenistic period, when Philochoros himself was active. At least one hundred and thirty-five of the two hundred and thirty extant fragments attributed to Philochoros come from this work. Among his other writings were treatises *On Divination* (Περὶ μαντικῆς),<sup>2</sup> *On Sacrifices* (Περὶ θυσιῶν),<sup>3</sup> *On the Festivals at Athens* (Περὶ τῶν Ἀθήνησι ἁγώνων),<sup>4</sup> *On the Mysteries at Athens* (Περὶ μυστηρίων τῶν Ἀθήνησι),<sup>5</sup> *On Discoveries* (Περὶ εὐρημάτων),<sup>6</sup> *On Purifications* (Περὶ καθαρμῶν),<sup>7</sup> *On Symbols* (Περὶ συμβόλων)<sup>8</sup>, *On the Archons at Athens from Sokratides to Apollodoros* (Περὶ τῶν Ἀθήνησιν ἀρχάντων ἀπὸ Σωκρατίδου καὶ μέχρι Ἀπολλοδώρου),<sup>9</sup> *On Days* (Περὶ ἡμερῶν),<sup>10</sup> *On the Tragedians* (Περὶ τραγωιδιῶν σύγγραμμα),<sup>11</sup> and *On the Tetrapolis* (Περὶ τῆς Τετραπόλεως);<sup>12</sup> *The Foundation of Salamis* (Σαλαμῖνος κτίσις);<sup>13</sup> *A History of Delos* (Δηλιακά);<sup>14</sup> a compendium of *Athenian Inscriptions* (Ἐπιγράμματα Ἀττικά);<sup>15</sup> *Olympiads* (Ὀλυμπιάδαι);<sup>16</sup> a *History of Dreams*,<sup>17</sup> a *Letter to Asklepiades* (Πρὸς Ἀσκληπιάδην ἐπιστολή);<sup>18</sup> a treatise *On the Atthis of Demon* (Πρὸς τὴν Δήμωνος Ἀτθίδα);<sup>19</sup> an epitome of a treatise on religious matters by Dionysios (Ἐπιτομὴ τῆς Διονυσίου πραγματείας περὶ ἱερῶν);<sup>20</sup> academic discourses *On the Myths of Sophokles* (Περὶ τῶν Σοφοκλέους μύθων),<sup>21</sup> *On Euripides* (Περὶ Εὐριπίδου),<sup>22</sup> and *On Alkman* (Περὶ Ἀλκμᾶνος);<sup>23</sup> a *Catalogue of Heroines or Pythagorean Women* (Συναγωγὴ ἡρώιδων ἥτοι Πυθαγορείων γυναικῶν);<sup>24</sup> and an epitome of his own *Atthis* (Ἐπιτομὴ τῆς ἰδίας Ἀτθίδος).<sup>25</sup> While some of these are no more than titles, others survive in fragments. Those of which fragments survive are the *Atthis* (or the *Attic History*), *On Divination* (four fragments), *On Dreams* (one fragment), *On Days* (four fragments), *On the Tetrapolis* (three fragments), and *On the Atthis of Demon* (one fragment). There are another fifty-two fragments attributed to Philochoros of uncertain provenance.<sup>26</sup>



As no MS of any of Philochoros' works survives, all knowledge of his literary output comes second-hand from later authors and excerptors. The two most important sources of citation are the scholiasts of the late Hellenistic and Roman periods and the grammarians of Rome, Alexandria and Byzantium. Of the fragments from the *Attic History*, or *Atthis*, some thirty-six are preserved in scholia in MSS of the works of Homer, Pindar, Plato, Aristophanes, the tragedians, the orators, and on later authors,<sup>27</sup> while another fifty-five survive in lexica of the late antique and Byzantine periods.<sup>28</sup> Biographers, such as Plutarch and Markellinos,<sup>29</sup> chronographers, such as Eusebios and Julius Africanus,<sup>30</sup> commentators and literary critics, such as Dionysios of Halikarnassos<sup>31</sup> and Didymos Chalkenteros,<sup>32</sup> and historians and antiquarians, such as Athenaios,<sup>33</sup> Aelian,<sup>34</sup> Strabo,<sup>35</sup> Macrobius,<sup>36</sup> Clement of Alexandria<sup>37</sup>, Hermippos<sup>38</sup> and Boccaccio,<sup>39</sup> represent other important channels of transmission.

How much of Philochoros survives in reliable condition is a thorny problem, since there are few objective criteria on which to measure the extent of mutation and distortion through transmission. The tendency among scholars when approaching a cited fragment is to suppose that the preserved text reflects the original with a fair degree of accuracy. That tendency nevertheless falls under suspicion if account is taken of the record of scholiasts and other excerptors for inaccurately citing and misrepresenting texts of which more complete MSS survive. A useful example can be made of the fragments of the Aristotelian 'Αθπ. preserved in scholia to the plays of Aristophanes: these, as a recent study has shown, illustrate the extent to which fragments of texts, especially those preserved in scholia, could undergo distortion at the hands of their excerptors.<sup>40</sup> In the case of 'Αθπ. scholars are fortunate to have at their disposal a relatively complete text against which they can gauge the precision of later citations. In Philochoros' case, meanwhile, they have no measuring-yard of that kind, and for this reason they have little choice with most fragments but to confide in his excerptors. Still, scepticism can be entertained in some of the remnants.

One instance where accuracy of citation is open to criticism is Philochoros' account of the procedure of ostracism, quoted in *oratio recta* by three lexicographers of late antiquity. If the carelessness with which the passage lays out the details of the ostracism procedure is compared with the clinical precision employed by later authors drawing upon the same tradition, the suspicion may well be justified that the text as preserved by its excerptors has become corrupted and simplified in the course of its transmission (see Appendix I). Another example is supplied by a fragment of the



*Atthis* preserved in the *Commentary* of Didymos Chalkenteros purporting to relate to the events of the archontic year 392/1. Close examination of the quoted text reveals that Didymos, or his immediate source, had conflated material pertaining to two entirely separate years, as context suggests that, in spite of the archon date given, its excerptor believed the text to refer to the conclusion of the King's Peace some five years later.<sup>41</sup> There are other instances where the sense of the original text seems adequately represented but where the wording is either compressed or conflated with additional material. A good example is the famous fragment from the fourth book of the *Atthis*, which cites a law on admission procedure in Attic cultic associations: the excerpt survives in the entries of three lexicographers, and the more complete version of Harpokration supplements the main portion of the law with a gloss on one of the terms contained in it; these facts prompt the conclusion that the text of Philochoros had been compressed and that the meaning of one of its words had been expounded by a commentator, whose gloss had at some stage been integrated with the fragment itself (see Appendix II). As a matter of general principle, caution must be taken before it is assumed that an excerpt represents the original with accuracy, and, while in most cases there is little option but to operate on a principle of charity, allowance must be made for the possibility that distortions, scholarly accretions and other textual misrepresentations have arisen in the course of transmission.

## 1.2. Life and dates.

Apart from an anonymous biography quoted in the *Suda*,<sup>42</sup> there is little testimony relating to the life of Philochoros beyond the occasional hint provided by his writings. The only detail of Philochoros' political activity of which anything is known is his participation in the Chremonidean War of c. 268-263, in which Athens and Sparta aligned with Egypt in a concerted effort to push back Macedonian power on the Greek mainland.<sup>43</sup> This conflict ended disastrously for Athens and resulted in the execution of Ptolemy's partisans, including Philochoros.<sup>44</sup> That Philochoros maintained a high public profile is suggested also by the fact that he served as ἐξηγητῆς τῶν πατρίων,<sup>45</sup> a priestly official who expounded on sacred ancestral laws and customs,<sup>46</sup> and the fragments of his writings indicate a consummate knowledge of religious matters.<sup>47</sup> The evidence for Philochoros' role in the religious and political sphere has formed the basis of much modern speculation that his works, most particularly the *Atthis*, were



written from the point of view of a politically interested public figure, a supposition abetted by modern theories concerning the genre of historiography to which the *Atthis* belongs.<sup>48</sup> These views are, however, aprioristic, and, until the nature of the literary tradition implied by the *Atthis* is studied in close detail, all judgment of Philochoros' aims and purposes in narrating the local history of his city must be suspended.<sup>49</sup>

Philochoros' dates are impossible to establish with any degree of precision. If the biographer is correct to assert that he died at the hands of Antigonos,<sup>50</sup> the natural implication is that his death fell in or shortly after 263/2, the year in which the Chremonidean War is now believed to have ended.<sup>51</sup> As there is no way of knowing how long after Athens' capitulation the partisans of Ptolemy were executed, this can of course only be regarded as an upper terminal date. Indeed, if the statement that the *Atthis* stretched down to the reign of Antiochos (II) Theos, whose accession to the throne of Syria Eusebios dated to June 261, is reliable, the logical inference is that Philochoros' literary activity lasted until at least a year after Athens' submission to Macedon and may have included some of the events that occurred during Antiochos' reign.<sup>52</sup> One possible explanation is that the biographer derived his information from a chronographic source, which for reasons of sheer convenience synchronised the termination of the Chremonidean War with the change of kingship in Syria. The biographer in that case, assuming that the conclusion of the *Atthis* coincided with Philochoros' death, may well have drawn the hasty and misinformed inference that the *Atthis* ended with the events of 262/1. On the other hand, the possibility exists that the partisans of Ptolemy *were* executed at some considerable interval after the capitulation of Athens and that the information supplied by the biography concerning not only Philochoros' death but also the conclusion of the *Atthis* does reflect a reliable tradition. Given the poverty of the evidence, the question cannot be decided with any certainty, and, while firm faith in the biographical dating is maybe unwarranted, room may be given to the suggestion that the capitulation of Athens to Antigonos Gonatas in 263/2 did not result in an immediate persecution of Antigonos' political opponents.

The date of Philochoros' birth is more problematic. Two pieces of evidence suggest, albeit inconclusively, that he was born some time around the year 340. The first consists of a prytanic list dating from the 330s containing the name of a certain Κύκνος Φιλοχόρου Ἀναφλυστίας.<sup>53</sup> If this Kyknos is identical with the man whom the Suda identifies as the historian's father, not only can a demotic for Philochoros be supplied, but there is good reason to presume that the man mentioned on the list was



at least thirty years of age at the time when he served.<sup>54</sup> Postulating a generation gap of approximately thirty years, most modern scholars have inferred that Kyknos son of Philochoros was born c. 370 and Philochoros son of Kyknos (*i.e.* the historian) c. 340.<sup>55</sup> These calculations can of course only be tentative. A more tangible indication comes from Dionysios of Halikarnassos, who cites *verbatim* from Philochoros' *Atthis* information concerning an omen on the Akropolis and the ensuing oracle.<sup>56</sup> Thanks to the allusion to the "return of the exiles" and to the fact that the material is excerpted from Book VIII, which is known to have covered the events of the late fourth century (see below, p. 16), the passage is usually thought to pertain to the events of the year 307/6, when Demetrios Phalereus was overthrown by his namesake Poliorketes and when a general amnesty for all political exiles of the former regime was instituted. The important point at hand is that the historian, when alluding to the ἐξηγηταί who expounded upon the oracle, speaks in the first person. If describing an event which he himself had witnessed and in which as ἐξηγητὴς τῶν πατρίων he had played an active role, it would appear in virtue of his public office that he had attained the age of thirty by the last decade of the fourth century; that at any rate would confirm the calculations drawn from the prytanic list that Philochoros' birth fell in the 330s.

Difficulties nonetheless arise in the implication of the subsequent sentence that Philochoros' life overlapped with that of the great Hellenistic scholar Eratosthenes at the upper end. Eratosthenes' dates are established on the basis of another biography, attesting that he was born in the 126<sup>th</sup> Olympiad (*viz.* 296/3) and summoned from Athens to Alexandria by Ptolemy (III) Philopator (*reg.* 246-221).<sup>57</sup> If the phrase ἐπιβαλεῖν πρεσβύτη νέον ὄντα Ἐρατοσθένει in the biography of Philochoros is textually sound, the only implication is that Philochoros was a younger contemporary of Eratosthenes. Logically, then, he cannot have been born long before c. 260, and the statement seems to invalidate the testimony of the other biography stating that Philochoros was executed at the hands of Antigonos. Two attempts to circumvent this contradiction have been canvassed. One scholar of the nineteenth century, believing the information of the biography concerning the chronological relationship between Philochoros and Eratosthenes, proposed that the Antigonos in question be identified as Doson (*reg.* 229-221) and that Philochoros' death be dated to the 220s.<sup>58</sup> That solution is, however, not persuasive, since the allusion to Ptolemy naturally indicates that the historical context of Philochoros' detention and execution was the aftermath of the Chremonidean War. A more plausible but not altogether satisfactory solution



was proposed by Jacoby, namely that Ἐρατοσθένει in the preserved MS be omitted and that the implied subject of the participial phrase in ὥς ἐπιβαλεῖν πρεσβύτη νέον ὄντα be taken to be Eratosthenes rather than Philochoros:<sup>59</sup> that solution will however not suffice, as the main clause states explicitly that Philochoros was born in the time of Eratosthenes (κατὰ τοὺς χρόνους γέγονεν ὁ Φιλόχορος Ἐρατοσθένους)<sup>60</sup>. It is safest to concede that the biographer, or his immediate source, synchronised the lives of Philochoros and Eratosthenes at the wrong end and that Philochoros, if born c. 340, would have been over forty at the time of Eratosthenes' birth. With the recognition that Philochoros' biographer has muddled the ages of Philochoros and Eratosthenes, the modern consensus that Philochoros' dates were c. 340-260 may be defended.

### 1.3. The *Atthis*: Length, content, form, and structure.

The biographer gives a brief description of Philochoros' *Atthis*, whose contents are said to have comprised τὰς Ἀθηναίων πράξεις καὶ βασιλεῖς καὶ ἄρχοντας ἕως Ἀντιόχου τοῦ τελευταίου τοῦ προσαγορευθέντος Θεοῦ.<sup>61</sup> This laconic description does not inspire gratitude, and occasion has already arisen to note the biographical problems aroused by the statement that the *Atthis* ended in 261. Still, the evidence is not completely worthless, for it provides valuable information as to the length of the work and as to the principles by which it was organised. The allusion to βασιλεῖς suggests that Philochoros began his account with the kings of Attica and with the body of myth with which they were associated. The allusion to ἄρχοντας suggests that at some point, perhaps with the creation of the annual archonship in c. 683/2 or with the archonship of Solon in 594/3,<sup>62</sup> he switched to narrating events under the names of the archons in whose years of office they took place. Though the remark at first sight seems to imply that the *Atthis* followed an architectural framework defined solely by Athenian kings and magistrates, uniform narrative techniques probably were not employed throughout. Given that the third book (if it began with the archonship of Solon) will have covered some one hundred and fifty years of history,<sup>63</sup> it seems *a priori* unlikely that every archontic year had attached to it, as in the later books, an historical notice. The first sign of narrative structured around the archon list comes from a fragment from Book III alluding to the events of the archonship of Kebris (c. 496/5),<sup>64</sup> and none of the fragments from the earlier portions of the work indicate that Philochoros narrated history prior to the fifth century under the names of Athenian



magistrates. In all probability Philochoros did not treat the Athenian archon list as the structural backbone of his narrative until he began to recount history from the time of Kleisthenes onward; until then he need have related only the most important events, such as the economic reforms of Solon<sup>65</sup>, the three successive regimes of Peisistratos, and the Alkmaionid building-project at Delphi,<sup>66</sup> and, while he may have dated these episodes with reference to an Athenian archon, the archon list itself need not have defined the narratological shape for this portion of the *Atthis*.<sup>67</sup>

How Philochoros arranged the earlier portion of his narrative is uncertain. As for the books covering the fourth century, there is positive evidence that Philochoros adhered to chronological order down to the finest detail. Dionysios' citations from Book VI suggest that the normal method of introducing the events of a fresh archontic year was with the name and demotic of the eponymous archon followed by the formula ἐπὶ τούτου and the narrative.<sup>68</sup> That annual entries regularly followed a close internal chronology is suggested by the entries for 349/8 and 340/39, which indicate meticulous attention to the order of the events they describe,<sup>69</sup> and by a fragment quoted by Didymos specifying a lunar month.<sup>70</sup> Whether this was a regular feature of the narrative is impossible to know, but probably it became more frequent in the later books. If archives constituted Philochoros' main source of evidence for the so-called "historical" period (see Chapter IV), it seems reasonable to assume that finely detailed chronicling became ever more regular as the narrative began to treat contemporary material. Still, that is speculation, and caution must be taken before assuming on faith that even the fourth-century narrative followed close internal chronology within each year. Unfortunately, there is insufficient material on which any general assessment of Philochoros' methods can be based, and at most it can be conjectured that Philochoros provided as careful a chronology as he could within the limits of his evidence.

The fragments themselves confirm that the *Atthis* as a whole followed a broad chronological arrangement. The remnants of the first and second books reveal a concern with the early prehistory and regal period of Attica. The third, as already seen, may have begun with the archonship of Solon in 594/3 and stretched down to the middle of the fifth century. The fourth and fifth covered history from the time of Ephialtes in the mid-fifth century to the outbreak of Athens' struggle with Philip, the sixth and seventh from the capture of Amphipolis to the overthrow of Demetrios Phalereus, and the final ten books, of which nothing survives, from the establishment of Demetrios Poliorketes to the Chremonidean War. Thus, whether or not the early



books did in fact follow a strictly annalistic principle as did the later, the more general implication that the organisation of the *Atthis* followed chronological lines admits of no serious doubt, and for illustration the fragments are tabulated below according to their place within the overarching framework of the narrative:

Book Number and Contents	Fragments with a Book Number	Fragments without a Book Number
I. Early prehistory.	F1. Proem.	
	F2. The establishment of civic society.	
II. The regal period.	F3. The first trial on the Areiopagos.	F93. Kekrops.
	F4. The early Areiopagos.	F94. The Dodekapolis.
	F5. Amphiktyon.	F95. The first counting of the population of Attica.
	F6. The sacred laws of Dionysos.	F96. Bouzyges (?)
	F7. The death of Dionysos.	F97. The altar to Kronos.
	F8. Erichthonios.	F98. The χρηστομαθιη.
	F9. The institution of the θαλλοφόροι.	F99. The Pelasgians.
	F10. The institution of the sacrifice to Pandrosos.	F103. Iambe.
	F11. The rape of Erechtheus' daughter.	F104. Triptolemos.
	F12. The sacrifice to Dionysos and the daughters of Erechtheus.	F105-6. The daughters of Kekrops.
	F13. The institution of the βοηδρόμια.	F107. Attica under the sons of Pandion.
	F14. The cult of Skira.	F108. Theseus slays the sons of Pallas.
	F15. The πενταπλόα.	F110. The expedition against the Amazons.
	F16. The ὀσχοφόρια.	F111. The voyage of Theseus to Crete.
	F17. Theseus and the Minotaur.	F112. The institution of the truce for the burial of the dead.
	F18. Theseus rescues Persephone.	F113. Harma in Boiotia receives equal citizenship rights with Argos.
	F19. The imprecations of Theseus.	
III. From Kreon or Solon to Ephialtes.	F20. The early Areiopagos (cf. F 4)	F114. The σεισάχθεια.
	F21. Swearing by the λίθος.	F115. The Alkmaionid building project at Delphi.
	F22. The dedication of the Τρικέφαλος monument.	F116. The evacuation of the Athenian population to Salamis.
	F23. The inventions of Lysandros of Sikyon.	F117. The Spartan plea to Athens at the time of the

IV. From the reforms of Ephialtes to the tyranny of the Thirty.

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| F24. The aetiology of the deme Alopeke.                | helot revolt.  |
| F25. The aetiology of the deme Kerameis.               |  |
| F26. The aetiology of the deme Kolonos.                |  |
| F27. The aetiology of the deme Melite.                 |  |
| F28. The aetiology of the deme Oie.                    |  |
| F29. The aetiology of the deme Oion.                   |  |
| F30. The institution of ostracism.                     |  |
| F31. The dedication of the Ἑρμῆς ἀγοραῖος.             |  |
| F32. The Lakonian town of Aithaia.                     |  |
| F33. The institution of the θεωρικά.                   |  |
| F34. The Second Sacred War.                            | F118. The suppression of Euboia under Perikles.                |
| F35. Admission procedure in Attic cultic associations. | F119. Diplomatic contacts with Psammetichos.                   |
| F36. The construction of the Propylaia.                | F120. The exile of Thucydides.                                 |
| F37. The construction of the Lykeion.                  | F121. Chryselephantine Athene and the trial of Pheidias.       |
| F38. The organisation of the Athenian army.            | F122. The dedication of the statue of Meton at Kolonos.        |
| F39. The Athenian cavalry.                             | F123. The outbreak of the Great Peloponnesian War.             |
|  | F124. The Spartan breach of the truce (either 432/1 or 424/3). |
|  | F125. The Spartan army in Attica.                              |
|  | F126. The accession of Perdikkas to the throne of Macedon.     |
|  | F127. The first expedition to Sicily.                          |
|  | F128. Spartan appeals to Athens after the seizure of Pylos.    |
|  | F129. Athenian operations against Brasidas.                    |
|  | F130. The expedition to  |

		Euboia.
		F131. The Peace of Nikias.
		F132. Fighting between Korinth and Argos after the Peace of Nikias.
		F133-4. The mutilation of the Herms.
		F 135. The seer Stilbides.
		F136. The συγγραφεῖς.
		F137. Decree of amnesty following the defeat in Sicily.
		F138. The reserve fund on the Akropolis.
		F139. The Spartan offer of peace thwarted by Kleophon.
		F140. Re-organisation of seating in the Boule.
		F141. The minting of gold coin.
		F142. The execution of the generals after Arginousai.
		F143. The death of Kritias in Peiraieus.
V. From the democratic restoration to the seizure of Amphipolis.	F40. The dedication of a Herm in front of the city gate.	F144-5. Konon sails into the Peiraieus.
	F41. The establishment of the συμμορίαί.	F146. The re-building of the Long Walls.
	F42. The revolt of Mitokythes against Kotys.	F147. The capture and execution of Hagnias.
	F43. The dispute between the Thasians and Maroneitans over Stryme.	F148. The alliance with Boiotia against Sparta.
	F44. The re-foundation of Damos as Philippi.	F149. The failed attempt to broker peace in Greece.
		F150. Iphikrates and Kallias in the Korinthiad.
		F151. The dedication of the Altar to Peace.
VI. From the capture of Amphipolis to the defeat at Chaironeia.	F45. The liturgies.	F152. The audit of Timotheos
	F46. Athenian revenues.	F153. The expedition to Themopylai.
	F47. The capture of the Paralos.	F154. The establishment of a klerouchy on Samos.
	F48. The names of the four Athenian triremes.	F155. The violation of the sacred Ὀργάς by the Megarians.
	F49-51. The siege of Olynthos.	F156. The sending of aid to Olynthos.
	F52. The διαψήφισις following the Peace of Philokrates.	



	F53-6. The breakdown of the Peace of Philokrates.	F157. The Macedonian and Persian embassies to Athens.
	F57. The festival of the Χυτρίνοι.	F158. Diopeithes in the Hellespont.
	F58. The dedication of a tripod above the theatre by Aischraios.	F159. The alliance with Chalkis.
	F59. The dedication of a statue of Isokrates.	F160. The crossing to Eretria under Phokion.
	F60. The execution of the seer Theoris for impiety.	F161. The expulsion of Kleitarchos
	F61. The annual sacrifice in the shrine of Demeter Chloe on the Akropolis.	F162. The blocking of the Hellespont by Philip.
VII. From the defeat at Chaironeia to the overthrow of Demetrios Phalereus.	F62. The garrison at Phyle.	F163. The affair of Harpalos.
	F63. The ἀποστολεῖς.	F164. The death of Demosthenes.
	F64. The creation of the νομοφύλακες.	
	F65. The γυναικονόμοι.	F165. The composition of paians to Antigonos and Demetrios (Poliorketes) by Hermippos of Kyzikos.
VIII. The overthrow of Demetrios Phalereus and the establishment of Demetrios Poliorketes.	F66. The defeat of Demetrios Phalereus by his namesake (Poliorketes) at Mounychia.	F166. The establishment of the month of Demetrios as a holy month.
		F167. The decree of amnesty granted by Demetrios.
IX. From the early years of the reign of Demetrios Poliorketes to the death of Monophthalmos.	F67. The portent on the Akropolis and the return of the exiles.	
X-XVII. From the death of Monophthalmos to the Chremonidean War.	F68. The sacred αὐλῶνες.	
	F69-70. The initiation of Demetrios Poliorketes into the Eleusinian Cult.	
	F71. The πρόδρομοι	

A brief examination of the chart reveals that disproportionate attention was given to contemporary history. While numerous fragments survive from the first three books, it is noteworthy that these books will have covered (in theory) over a thousand years of history. The later books, meanwhile, covered periods of time of ever decreasing magnitude – the fourth covering at most sixty years, the fifth forty, and the sixth little over twenty. Though only two fragments survive of the last eight books, the testimony of the biographer that the *Atthis* contained seventeen books wins

confirmation in the independent evidence for Books VIII and IX, which show that Philochoros devoted entire books to periods of only six or seven years for history after the deposition of Demetrios Phalereus. If so, the last ten books of the *Atthis* together can have covered no more than seventy years of history. This lends confirmation to the hypothesis that, while the later books paid very detailed attention to chronology, the earlier books followed a looser chronological scheme: indeed, it is *a priori* unlikely that Book III, which may have spanned two hundred and twenty years of Athenian history and thus would have provided little more than a summary of the events of that period, arranged its narrative in as fine chronological detail as Book VIII, whose contents may have been confined to as few as five years.<sup>71</sup>

The preponderant interest of Philochoros lay, then, in contemporary and near-contemporary history. As will be argued more fully in Chapter II, this observation is significant when trying to locate Philochoros within a tradition of historical writing, for it suggests that his debt to previous historians of Attica, most of whom devoted their narratives to remote periods of Athens' past, was minimal. Though two books of the narrative are devoted to what might be termed the "pre-history" of Athens – *i.e.* that period of the past for which little or no reliable historical documentation existed –, even here the cited fragments show a prevalent interest in matters, mostly religious, that had some relevance to contemporary customs and practices. Thus, in Book II Philochoros had occasion to write about the origins of various cults in Attica, most notably those of Dionysos,<sup>72</sup> Bouzyges,<sup>73</sup> Pandrosos,<sup>74</sup> and Skira.<sup>75</sup> He also devoted a significant degree of attention to the aetiology of religious rituals and festivals, for example the πενταπλόα,<sup>76</sup> the ὀσκοφόρια,<sup>77</sup> the θαλλοφόροι,<sup>78</sup> the βοηδρόμια,<sup>79</sup> and the Eleusinian Mysteries.<sup>80</sup> A cluster of fragments of the third book deals with the aetiology of Attic demes<sup>81</sup> and physical monuments within Athens and Attica.<sup>82</sup> As can be seen at a glance, even the "pre-historic" portions of the *Atthis* had an obvious contemporary relevance, and, while it is not unlikely that Philochoros treated its material in some chronological sequence – *i.e.* with respect to the supposed dates of the institution of these various festivals and rites –, it is possible, though of course not demonstrable, that he made references in context to their more recent development.

The distribution of the cited fragments arouses puzzlement in the light of these observations. The fact that Philochoros concentrated his attention on contemporary events makes it especially surprising that, with one possible exception, not a single fragment survives from the third-century narrative. One available explanation is that



the information supplied by the biographer is bogus and that Philochoros' narrative ended roughly with the overthrow of Demetrios Phalereus in 307/6; still, this would require some accounting for why Philochoros wished to curtail his narrative at that point. A more likely reason for the fact that most of the fragments come from Books IV-VI is simply that they covered a period of Athens' history from which numerous works of literature had survived and to which extensive historical reference was made by poets, dramatists, and orators. Scholiasts and literary critics, when seeking to explain the historical allusions in the literary texts on which they were commenting, needed an authoritative work laying out the history of Athens in a methodical fashion. As the literary output of Athens after the age of the orators experienced a decline, the need to cite the *Atthis* for history after c. 300 simply did not present itself to the same extent as it did for the history of the fifth and fourth centuries. This, if correct, might well suggest that later authors, such as Didymos for example, did not go back to an original MS but in the vast majority of instances drew their citations from scholia in the margins of unrelated texts. For not only scholiasts but authors of all varieties avoid the later books of the *Atthis*, and one might well expect that authors of late antiquity, when quoting Philochoros, tended to derive their citations second-hand.<sup>83</sup>

Philochoros' *Atthis* was a monumental achievement, and the fragmentary state of its preservation is an irreparable loss for the modern historian. As will be argued in due course, Philochoros grounded his understanding of non-contemporary history in documentary material, and the survival of his work not only would have afforded a detailed insight into the events of the third century but also would have supplemented our otherwise piecemeal knowledge of fifth- and fourth-century Athenian history with a coherent, detailed narrative of events. Why the work does not survive admits of no definite answer, but Dionysios' low estimation of the local Attic chronicles as literary texts suggests that the *Atthis* of Philochoros, unlike the masterpieces of Herodotos, Thucydides and Xenophon, failed to stand the test of time because of its inferiority as literature. This inference, if correct, re-affirms the claim made by some scholars that historiography was regarded in antiquity above all as an artistic exercise and was read *in primis* not to access historical fact but rather for its literary merits and attributes.<sup>84</sup> While the *Atthis* of Philochoros was cited mainly for factual information, its value to later antiquity was purely functional and for that reason failed to engage the interest of a wider readership. It is unlikely that any MS of the work will ever come to light, and, within the meagre limits of its survival, investigation must be speculative.

## II

### Atthidography: Re-defining a Genre

The previous chapter examined the evidence for Philochoros' life and writings and, as far as its restrictions permit, drew conclusions as to the nature of the *Atthis* and the principles under which it was conceived. The *Atthis* of Philochoros was a chronicle of Athens whose contents comprised Athenian history from the legendary origins of the city to the mid-third century and whose narrative was, at least from Book III onward, structured around a list of annual archons. No fragment of Philochoros, however, sheds explicit light upon his aims and methods, and the central questions to which this study is devoted - viz. by what methods and with what intentions did an Athenian historian of the early Hellenistic period write a history of his city? - can only be addressed from a more detached theoretical standpoint. Before an answer to any of these questions is attempted, attention must be directed to the literary tradition presupposed by Philochoros' *Atthis* and within the limits of available testimony to the relationship between it and other earlier works within the Atthidographic tradition.

The purpose of this chapter is to collect the evidence for the literary activities of Attic historians prior to Philochoros and examine the nature of the tradition of local historical writing at Athens beginning in the fifth century with Hellanikos. In so doing, it will evaluate the modern idea that Attic historiography, or, to use the modern shorthand, "Atthidography", constituted a literary genre in its own right with narrowly circumscribed formal characteristics and parameters. Discussion of these issues is preliminary to further consideration of Philochoros' aims and methods, for, if scholars are correct to think that the Attic historians wrote histories of broadly similar form and content, the natural conclusion is that Philochoros' was the last of a long series of *Atthides* whose narrative took the shape of a chronicle and whose contents embraced a common tradition of historical subject matter related in annalistic form. If, on the other hand, it can be argued that Atthidography was varied both in literary format and in historical concern, the idea that Philochoros inherited his material from annalistic predecessors or modelled his *Atthis* upon earlier treatises of the same structure and concern stands in need of revision. In order to discern the nature of Philochoros' aims



and methods, it is necessary to look at Attidography from a wider perspective and, as far as evidence permits, discern Philochoros' relationship to his predecessors.

### 2.1. The state of the question: Wilamowitz, Jacoby and theoretical models.

At some point in the course of their transmission a select number of works relating the history and antiquities of Attica fell in bibliographical parlance under the generic classification of the Ἀτθίδες.<sup>1</sup> Though there is no evidence for when this occurred, most modern scholars have tended to assume that Ἀτθίς was first coined as a literary expression in the 270s at the hands of the Alexandrian poet and scholar Kallimachos, who is known to have compiled a huge bibliographic catalogue entitled Πίνακες classifying a broad range of literary works according to genre.<sup>2</sup> Thus, it is supposed, while the local historians of Athens might originally have published their treatises under separate titles, the application of Ἀτθίς to local histories of Attica originated at Alexandria, when an attempt was made to catalogue a vast accumulation of literature under a convenient system of generic headings. That the title Ἀτθίς was an invention of Kallimachos is no more than a supposition, and, even if Kallimachos did employ the term in the Πίνακες, there is no proof that he did not inherit it from at least some of the authors themselves. A more interesting and important question is why the title was applied to certain literary works and to what extent its application reflected a belief in an adherence of those works to narrowly defined generic requirements. Even if scholars are correct to think that Ἀτθίς originated as a literary expression in the Hellenistic period, the subsequent claim that the Ἀτθίδες treated a common stock of historical material and, in so doing, employed identical literary techniques begs the basic question as to how rigidly ancient theorists conceptualised genre. The notion that Ἀτθίς was first formulated as a term of bibliographic convenience may in fact imply, contrary to much modern thinking, that the scope of its application was broad and that the works to which it was applied had a wide diversity of historical concerns, employed a wide diversity of narratological techniques, and for these very reasons had received self-individuating titles at the time of their first publication.<sup>3</sup>

While most scholars stand in agreement on the point that the title Ἀτθίς is an artificial coinage of the Hellenistic period, the possibility that the works to which it was eventually applied exhibited considerable diversity both in form and in content has generally been underestimated. Indeed, the prevailing consensus among scholars



for over a century has been that works which at some point in the course of their transmission had fallen under the artificial denomination of Ἀτθίς adhered to a narrowly circumscribed set of generic requirements, the most important of which was the schematisation of Athenian history by reference to a list of annual archons. This assumption was evident in the pioneering study of U.von Wilamowitz-Moellendorff, who modelled his analysis of the origins of Attic historiography upon the theories of his close contemporary, Th. Mommsen, concerning the origins of annalistic writing at Rome. Mommsen for his part argued that, until the time of the first Roman annalist, Q.Fabius Pictor, regular historical records were kept on an annual basis by the priestly college of the *pontifices* and that Fabius, on whose work subsequent annalists drew, used the memoirs of the pontifical college as his source for the first literary chronicle of Rome. Taking Rome as a model of comparison, Wilamowitz conjectured that until the beginning of the fourth century historical records at Athens were the exclusive preserve of a priestly college called ἐξηγηταί and that the vast tradition of notes and memoirs that had accumulated under its stewardship became the evidential basis of a hypothetical literary chronicle published anonymously in around 380. This “priestly chronicle”, he reckoned, became the literary archetype upon which subsequent local historians, beginning with Kleidemos in the middle of the fourth century and ending with Philochoros in the middle of the third, modelled their historical narratives.<sup>4</sup>

Half a century after the publication of his influential study, Wilamowitz’ former disciple, F.Jacoby, showed that the ἐξηγηταί consisted not of one board but of three and that their function was not what Wilamowitz had conceived it to be. At most, they appear to have expounded on special aspects of sacred law, particularly on matters involving purification, and there is little sign that they possessed at any stage of their existence records whose relevance extended beyond their own narrow areas of expertise. Jacoby suggested instead that the first chronicler of Athens was a non-Athenian called Hellanikos, whose *Attic History* (or *Atthis*) became the literary model and archetypal historical source for the local Athenian historians of the fourth and third centuries. His disagreement with Wilamowitz concerned the origins of Attic historiography and the motives behind each successive attempt to record local history. On the question of origins, he pointed out that the “anonymously published *Atthis* of c. 380” postulated by Wilamowitz is unattested and must, for chronological reasons, exclude Hellanikos from the Atthidographic tradition, notwithstanding plain evidence of an *Atthis* under his authorship; instead of priestly records, he contended that the



first chronicler of Athens, whom he took to be Hellanikos, drew upon oral tradition as his fundamental historical source, collecting data from local informants at Athens and synthesising it into a literary narrative organised in strict chronological sequence with reference to a list of Athenian archons. As to the aims with which subsequent authors recorded history, he insisted that an Athenian historian wrote not merely for the sake of supplementing earlier accounts with more contemporary narrative but rather to recast traditional material in line with a vested political interest: thus Kleidemos had democratic leanings, while Androtion was a conservative and Philochoros a moderate; each treated with different political attitudes the same body of historical tradition.<sup>5</sup>

While the specific target of Jacoby's polemic was Wilamowitz' unsupported contention that the *Atthides* of the fourth and third centuries modelled themselves on a hypothetical *Atthis* published in or around 380 B.C., the essential doctrine that each properly so-called *Atthis* was by definition a chronicle was left unchallenged. The second of these two suppositions is surely the more important, as it predetermines in a fundamental way all understanding of Philochoros' place within a tradition of local historical writing and of the literary sources to which he was indebted. If, indeed, it is assumed that the *Atthis* of Philochoros presupposes a series of chronicles stretching back to the late fifth century, it is only natural to conclude that its form was modelled closely upon an archetypal work of that epoch - namely, the *Atthis* of Hellanikos - and that it owed much, if not all, of its early material to that work and, ultimately, to the sources on which that work itself had depended. The most important consequence of Jacoby's view that Hellanikos was the first chronicler of Athens is thus the notion that Philochoros incorporated into the first four books of the *Atthis* a tradition of historical material acquired by Hellanikos from oral sources. The most important consequence, in turn, of the view inherited from Wilamowitz and accepted by Jacoby that the *Atthides* of the fourth century were annalistic is the notion that Philochoros derived his knowledge of fourth-century history from literary sources of identical form, structure and content and incorporated into the fifth, sixth, seventh, eighth and ninth books a tradition of historical subject matter inherited from annalists of the previous century. These assumptions affect an assessment of Philochoros as a researcher and evaluation of his *Atthis* as a source for local Attic history. For, if it is assumed that everything but the most contemporary portion of his narrative entailed a synthesis of historical material derived from earlier chronicles, any assessment of Philochoros'

account prior to the third century depends on an evaluation of his literary sources and of the information on which those sources themselves hypothetically relied.

The contention of this chapter is that the modern conception of *Atthidography* as a genre of historical writing whose defining characteristic was the arrangement of material around an Athenian archon list not only is misleading but, more importantly, prejudges the question of Philochoros' relationship to his predecessors, as well as the question of the provenance of his historical material. Common to the theories of both Wilamowitz and Jacoby was the driving assumption that any group of works sharing the title of Ἀτθίς need have adhered to a common format and treated a cumulative tradition of historical material originating in a single literary archetype. In Jacoby's case, this view was bound up in the belief that ancient bibliographers applied common titles to works of identical form, structure and content and that the rigid categories that he himself applied to Greek historiography found a comparable precedent among the ancient scholars of Alexandria and Pergamon. It is doubtless true that Hellenistic scholarship divided historiography into various generic taxonomies, and it may very well be the case that scholars of that period drew rigid lines between the theoretical categories that they constructed. On the other hand, even if it can be maintained that ancient literary critics and theorists did conceptualise genre in the stringent terms posited by Jacoby, it is not beyond question that the categories were themselves distorting and that those works, like the Ἀτθίδες, which in later antiquity came to be relegated to a single classification, did not in fact conform with any regularity to the literary stereotypes foisted upon them by scholars and bibliographers. Until we can verify on independent grounds that the Ἀτθίδες treated a common body of subject matter and, in so doing, employed a common literary format, the argument that the *Atthis* of Philochoros, in plain virtue of its title, need have borne any resemblance in form or in content to the *Atthis* of Hellanikos or, for that matter, to the work of any Attic historian after Hellanikos remains circular. Close examination both of the extant fragments of the previous *Atthides* and of the secondary testimonia to these works shows that they did *not* belong to a genre whose literary characteristics were rigidly delimited, and, though Philochoros' *Atthis* shared certain features in common with other works of the same title, the differences far outshone the similarities.



## 2.2. *Atthis* as a literary concept: The evidence of Dionysios.

The modern notion that an *Atthis* was by definition a local chronicle of Athens rests upon a single testimonium in Dionysios' *Antiquitates Romanae*, which reads: σχῆμα δὲ ἀποδίδωμι τῇ πραγματείᾳ οὐθ' ὅποιον οἱ τοὺς πολέμους ἀναγράψαντες ἀποδεδώκασιν ταῖς ἱστορίαις οὐθ' ὅποιον οἱ τὰς πολιτείας αὐτὰς ἐφ' ἑαυτῶν διηγησάμενοι οὔτε ταῖς χρονικαῖς παραπλήσιον ἅς ἐξέδωκαν οἱ τὰς Ἀτθίδας πραγματευσάμενοι· μονοειδεῖς γὰρ ἐκεῖναί τε καὶ ταχὺ προιστάμεναι τοῖς ἀκούουσιν.<sup>6</sup> Dionysios' evidence has affected all modern re-constructions of local historical writing at Athens hitherto, since it attributes to “the authors of the *Atthides*” - whomever this blanket expression is meant to designate - the unifying characteristic of an annalistic compositional method. Modern scholars since Jacoby have concluded from this one isolated statement that any work labelled Ἀτθίς by very definition comprised a narrative of Athenian history structured in strict chronological sequence around list of eponymous archons and in consequence have held that Attic chronicle as a genre of historical writing began in the fifth century with the *Atthis* of Hellanikos.

Closer consideration of Dionysios' motives in discrediting the “authors of the *Atthides*” discourages such a hasty inference. If his statement is read in its broader context, it is clear that Dionysios' main intention is to distinguish as sharply and with as few counter-examples as possible his own from other literary texts adhering to a single generic standard. Of all the *Atthidographers* the only one with whose work Dionysios exhibits familiarity is that of Philochoros, and, even if his knowledge of *Atthidography* was more extensive, it is hardly likely that in seeking to discredit a genre of historical writing he should have made a cautionary note that there were works of the title that did not conform to the annalistic requirement. At most, his criticism of “the Ἀτθίδες” need have been directed at one or two prominent works of that title, and, in the interests of definitional clarity, Dionysios may have indulged in a sweeping generalisation applicable in reality only to a limited number of texts. For these reasons alone, it seems hazardous to base any modern estimate of local historical writing at Athens upon one fortuitous testimonium of a late Hellenistic historian and scholar, who in any case need have been familiar only with a select group of works entitled Ἀτθίς and whose categorical pronouncement against them may very well have been driven by a strong underlying vested interest.<sup>7</sup>

The possibility that Dionysios' assessment is relevant only to one or two local historians of Athens makes ready sense of the fact that, of the ten or eleven works



cited by later authorities under the denomination of Ἀτθίς, only two, of which one is the *Atthis* of Philochoros, can be shown beyond doubt to have employed annalistic techniques.<sup>8</sup> Though the majority of attested *Atthides* reveal little or nothing of their internal organisation, there are some that, as Jacoby himself acknowledged, cannot have resembled either in form or in content the *Atthis* of Philochoros. The first book of Pausanias' Περίηγησις, anything but an annalistic work, is entitled Ἀτθίς, and there are fragmentary histories from the classical and Hellenistic periods, such as the *Atthides* of Amelesagoras,<sup>9</sup> Hegesinous<sup>10</sup> and Istros<sup>11</sup> which appear to have been topical disquisitions on unrelated matters of local historical concern. That the *Atthis* of Amelesagoras was an academic treatise focusing on matters connected with augury is evident in the fact that the one fragment preserved explicitly from this work relates to a famous mythical event on the Akropolis.<sup>12</sup> Sparse knowledge of Hegesinous' *Atthis* derives solely from two lines indicating verse form and a prevailing concern with the aetiology of local Attic place names.<sup>13</sup> The treatise of Istros, more commonly quoted under the title Συναγωγή τῶν Ἀτθίδων, consisted of at least fourteen books whose predominant focus appears to have been the mythological origins of Attica and of its people.<sup>14</sup> As for Pausanias, writing two generations after Dionysios, it is of course possible that he applied the title Ἀτθίς to the first book of his geographical treatise in a way that did not conform to the ordinary canons of established usage, but an assumption of this kind plainly begs the question, and the fact that the title was applied to a non-annalistic book shows that Dionysios' exclusive application of the term to annalistic works was in a strong sense idiosyncratic.

The observation that there are *Atthides* on record which did *not* admit of an annalistic rubric nor treat the broad sweep of Athenian history from its legendary origins to the present day calls into question the notion that Dionysios' criticism in the *Antiquitates Romanae* can have applied to each and every attested work of this title. The point is crucial, because it throws into doubt the modern presupposition that those *Atthides* whose fragments and testimonia reveal nothing of their underlying structure – indeed, the majority on record – necessarily conformed to the generic requirements attributed to “the Ἀτθίδες” by Dionysios. If so, allowance must be made for the possibility that within the broad tradition of local historical writing the chronicle was relatively *uncommon* and that Philochoros' *Atthis*, if not unique in Atthidography, at least did not share close generic bonds with the great majority of works of the same



title. Philochoros, in that case, cannot automatically be seen as the heir to a tradition extending back to Hellanikos, and, if it can be shown that some of his predecessors were *not* chroniclers, the question of the provenance of his historical material and of his debt to a prior literary tradition must be addressed afresh.

### 2.3. The *Atthis* of Hellanikos and the priority of genealogy in early Attidography.

The earliest literary attestation to Hellanikos is supplied by Thucydides, who, when justifying his account of the fifty-year period between the Persian and Peloponnesian Wars, states: ἔγραψα δὲ αὐτὰ (viz. the Fifty Years) καὶ τὴν ἐκβολὴν τοῦ λόγου ἐποιοσάμην διὰ τόδε, ὅτι τοῖς πρὸ ἐμοῦ ἅπασιν ἐκλιπὲς τοῦτο ἦν τὸ χωρίον καὶ ἢ τὰ πρὸ τῶν Μηδικῶν Ἑλληνικὰ ξυνετίθεσαν ἢ αὐτὰ τὰ Μηδικὰ· τούτων δὲ ὅσπερ καὶ ἤψατο ἐν τῇ Ἀττικῇ ξυγγραφῇ Ἑλλάνικος, βραχέως τε καὶ τοῖς χρόνοις οὐκ ἀκριβῶς ἐπεμνήσθη.<sup>15</sup> Given the range of bibliographical terminology in currency in the Hellenistic period, few for good reason have been disposed to doubt that the Ἀττικὴ ξυγγραφὴ to which Thucydides here refers is identical with that work which came in Hellenistic times to be known under the title of Ἀτθίς. More problematic is the relevance of Thucydides' allusion and the reasons for which he felt a need to refer to the work of Hellanikos in the context of the Πεντηκονταετία. The question, put another way, is why Thucydides wrote the Πεντηκονταετία and what implications the fact that he did might have for our understanding of Hellanikos' *Attic History* and of its place within the broader tradition of local Attic historiography.

Modern scholars tend to interpret the allusion in one of two ways. According to some, Thucydides was complaining that Hellanikos had schematised his narrative by reference to a list of Athenian archons, because, as a later passage from Book V shows, Thucydides believed local dating systems to be in their nature imprecise; the target of criticism, they hold, is the *annalistic method* adopted by Hellanikos in the *Attic History*.<sup>16</sup> Others, while agreeing that Hellanikos had structured his account of the Fifty Years around the archon list, hold that Thucydides' criticism in Book I concerns not the methods by which Hellanikos related history so much as particular archon dates assigned to events within the period; on that theory, the attack concerns not Hellanikos' chosen method but the *actual substance of his chronology*.<sup>17</sup> The implications of either argument for modern conceptions of the nature and form of Hellanikos' *Atthis* are not significantly different, for each envisages Thucydides as



reacting to a previous work that had used the Athenian archon list as its narratological backbone. Thus, whether it is held that he composed the Πεντηκονταετία because he disapproved of the form of Hellanikos' *Atthis* or, more radically, because he disputed its chronological substance, the idea that Hellanikos was a chronicler is unaffected.

Here, however, lies the moot point. Both arguments, insofar as they operate on the principle that the *Atthis* of Hellanikos was a chronicle, assume just what needs to be proved, and neither attempts to answer the crucial question of why, given that the Fifty Years were by Thucydides' own admission tangential to his main concern, the Πεντηκονταετία should have been embarked upon at all. Though Thucydides views most of his predecessors in a negative light, we do not find him (*e.g.*) re-writing the history of the Persian Wars or of events in the Greek world prior to the invasion of Dareios, since this period of history had, albeit inadequately by his own standards, already been treated *in extenso* by earlier historians.<sup>18</sup> What distinguishes on his judgment the Fifty Years from other epochs is not that prior treatments of them failed to measure up to his own criteria of accurate historical presentation – this charge at any rate could be levelled at any previous historical narrative – but rather that no significant attempt had been made by authors before his time to narrate the period *sui causa*. The implication is just that, while Hellanikos had touched on the Fifty Years in passing, he had *not* provided, as surely an annalist would have done, a systematic chronological account requiring no improvement by Thucydides himself.

In order to make the case presented here persuasive, it is essential to test more carefully each of the two scholarly interpretations outlined and, in so doing, to try to demonstrate that neither can make sense of Thucydides' allusion or of its context. The first argument, namely that Thucydides was complaining of the annalistic method employed in the *Atthis*, claims its justification in a programmatic passage in Book V. After describing in detail the terms of the peace treaty which brought about an end to the Archidamian War, Thucydides seeks to vindicate the year datings employed in his narrative of the Peloponnesian War with the following statement: σκοπεῖτω δέ τις κατὰ τοὺς χρόνους καὶ μὴ τῶν ἐκαστακοῦ ἢ ἀρχόντων ἢ ἀπὸ τιμῆς τινος ἐς τὴν ἀπαρίθμησιν τῶν ὀνομάτων τὰ προγεγενημένα σημαινόντων πιστεύσας μᾶλλον. οὐ γὰρ ἀκριβές ἐστιν, οἷς καὶ ἀρχομένοις καὶ μεσοῦσι καὶ ὅπως ἔτυχε τῷ ἐπεγένετό τι.<sup>19</sup> Unlike local dating schemes, which give no indication as to when in a given year an event took place, Thucydides maintains that the method of dating by seasons has the merit of being able to date events with attention to smaller



chronological intervals; archon dating on his analysis is imprecise *in comparison with seasonal dating*, for it cannot inform the reader whether an event occurred at the beginning, middle, or end of any particular period of office. Though Thucydides is not explicit here as to which, if any, of his predecessors he is actually criticising, advocates of the first view have held that the implicit target of criticism is none other than Hellanikos, of whose *Attic History* Thucydides earlier in Book I had already spoken with some measure of disapproval; the passage in Book I must, they argue, entail a critique of archon dating as a method of presentation.

That interpretation, advanced by Jacoby, rests on the correspondence between the words κατὰ τοὺς χρόνους.....οὐ[κ] ἀκριβές employed in Book V and the statement in Book I that Hellanikos βραχέως τε καὶ τοῖς χρόνοις οὐκ ἀκριβῶς [viz. τούτων] ἐπεμνήσθη. While it is admittedly true that Thucydides uses familiar terminology in both passages, the attempt to interpret one in light of the other proceeds from a set of completely false principles. The remark in Book V as to dating by seasons rather than by archons occurs in the context of a narrative whose structure has for the last three books been organised by summers and winters; its specific purpose is thus to justify the methods by which *that* portion of the narrative is constructed. The reference to the *Attic History* of Hellanikos in Book I, meanwhile, occurs in the background of an account which seldom supplies dates and which at best provides the reader with a brief and slipshod chronology of the Fifty Years. Surely, Thucydides was not criticising Hellanikos for having failed to specify whether the events of the period in question occurred in the months of Hekatombaion, Gamelion or Skirophorion; the point clearly is that, by writing a history of the Fifty Years himself, Thucydides was filling a gap: nothing comparable to a systematic narrative of these years, much less one that employed a careful chronological format, had ever yet been essayed. The phrase τοῖς χρόνοις οὐκ ἀκριβῶς in Book I must indeed imply not that Hellanikos had structured his narrative on a parochial dating system but that he had used chronological methods *even less precise than Thucydides' own*.

The first interpretation, therefore, presents an unsatisfactory analysis of the reasons for which Thucydides chose to digress on the period between the invasion of Xerxes and the Theban attack on Plataia in 431. Thucydides clearly did disapprove of Hellanikos' methods of historical presentation, as implicitly he did of Herodotos' and of all his literary predecessors', but this itself fails to explain the impulse to devote nearly thirty chapters to a subject which, while presenting an opportunity to trace



certain important historical themes and patterns, was by his own admission tangential to his overriding purpose.<sup>20</sup> The second argument, namely that Thucydides wrote the Πεντηκοντάετία as a response to the substantive chronology supplied by a previous annalistic work, is harder to refute and requires careful attention to a test case. Like the first, it depends on the validity of the proposition that the *Atthis* of Hellanikos in virtue of its title employed techniques comparable to those used by Philochoros a century and a half later, but it avoids the logical flaw of supposing that the point of criticism at 1.97.2 was annalistic methodology *per se*. Rather, it is compatible with the idea that the Πεντηκοντάετία, which at best gives a vague relative chronology of events, could at least in theory have been conceived as a response to a work that dated its subject matter in absolute terms by reference to archons. Still, it needs to be shown that its purpose was to rectify archon dates assigned by Hellanikos to key historical events. Such an interpretation is itself strained in that it begs the question of why Thucydides should have troubled himself with material outside his own historical concern, but it is at least conceivable that Hellanikos' archon dates were so skewed that some need was felt by Thucydides to straighten out at least the sequence in which the events of this period took place. In order, however, to give this interpretation force, it is essential to locate a passage within the Πεντηκοντάετία where an absolute chronological peg is supplied and to show that the connotations are indeed polemical.

The *locus classicus* adduced by advocates of the second interpretation is Thuc. 1.93.3, which states that the harbour at Peiraieus was begun by Themistokles ἐπὶ τῆς ἐκείνου ἀρχῆς ἥς κατ' ἐνιαυτὸν Ἀθηναίοις ἥρξε. This at first sight (and indeed as I myself accept) alludes to the year of his archonship in 493/2,<sup>21</sup> but the context is the early 470s, following the Persian defeat at Salamis and the tribute assessment of Aristeides. Few have been prepared to believe that the building project could have been begun before Marathon, only to be abandoned and resumed nearly two decades later. Thus A.W.Gomme argued that 1.93.3 alludes not to the annual archonship but to a more recent magistracy that Themistokles must have held over a period of years (κατ' ἐνιαυτὸν).<sup>22</sup> His arguments were developed by C.W.Fornara, who pointed out that the vulgate edition of Eusebios' *Chronicle* dates the construction of the Peiraieus harbour to the Olympiad extending from the years 479 to 475.<sup>23</sup> A.A.Mosshammer, meanwhile, observed that the Armenian edition of Eusebios' *Chronicle* dates the project's inception to the year 497/6 and argued that the original entry in Eusebios'



text must have been both 493/2, the year of Themistokles' archonship, and 479/5: Eusebios' sources, he contended, evince two traditions, the first of which originated with Hellanikos who, on the basis of the archon list, dated the project's inception to 493/2, the second with Thucydides who, as Gomme and Fornara reckoned, dated it to a later period when Themistokles had held an extraordinary magistracy; Thucydides, on Mosshammer's view, corrects an annalistic source dating the inception to 493/2.<sup>24</sup>

J.H.Schreiner, in contrast, agreeing that Thucydides presupposes Hellanikos, held not only that the date of the naval project implied at 1.93.3 is the year of Themistokles' archonship but that the ultimate provenance of this information was the *Atthis* of Hellanikos.<sup>25</sup> Two problems arise from this reading. First, 1.14.3 makes the fortification of Peiraieus anticipate the Battle of Salamis, suggesting by implication that Themistokles' rhetoric was delivered sometime in the 480s. Second, if 1.93.3 belongs to the context of the early 470s, one would assume that the arguments put into the mouth of Themistokles were made fairly recently. Schreiner sought to circumvent the first difficulty by supposing that Thucydides had drawn upon two contradictory traditions, one of which had influenced the *History* of Herodotos and had deliberately suppressed Themistokles' achievements in the period prior to Marathon, the other of which, relying on sources friendly to Themistokles, had emphasised his political prominence in the 490s and found first expression in Hellanikos' *Atthis*; Thucydides, he argued, not fully appreciating the internal discrepancy, passively reproduced both traditions. In response to the second, Schreiner re-arranged the standard punctuation of 1.93.3 so that the arguments put into Themistokles' mouth belong logically to the year of his archonship rather than to the immediate context of the 470s.<sup>26</sup> This, he argued, makes better sense, as Themistokles could not have emphasised the physical benefits of Peiraieus as a natural location for a harbour after construction had begun.<sup>27</sup>

While recognising that punctuation of ancient historical texts is problematic,<sup>28</sup> I cannot agree with Schreiner or Mosshammer on the implications of this passage for Hellanikos or for his supposed role within the Atthidographic tradition. My essential disagreement concerns the hypothesis of an annalistic source behind Thuc. 1.93.3 and the suggested reasons for why the passage seems to conflict with 1.14.2. Granted, 1.14.2 must relate to the 480s, not least because the construction of the Athenian fleet seems to anticipate Salamis. On the other hand, a closer look is needed at the context to understand why Thucydides presents his material in the way he does. 1.13-14 lists a succession of Greek thalassocracies, all of which, rather strikingly, are synchronised



with Achaemenid reigns: in the time of Kyros the leading naval power in Greece was the Ionians, in the time of Kambyzes the Samians, in the time of Dareios the Sicilians and Kerkyraians, and in the time of Xerxes the Aiginetans, who were subsequently supplanted by the Athenians; whether Thucydides arrived at these synchronisms himself or drew on an earlier chronographic source, there can be little doubt that the chronological parallels are themselves artificial and reflect an attempt to present history in neat and tidy terms. While not wishing to dispute Thucydides' assignment of the origins of Athenian naval power to the late 480s, I believe that his chronology stems not from informed historical research but from a tidy-minded and largely unhistorical schema and cannot therefore be used as criterion on which to rectify or defend the chronology implied at 1.93.3. At 1.93.3, meanwhile, the assignment of the Peiraeus project to Themistokles' archonship is dictated not by authoritative data but by Thucydides' characterisation of Themistokles as a providential statesman, a theme which recurs through the Πεντηκονταετία and culminates in Thucydides' obituary of Themistokles at 1.138. The verbal plays on ἀρχή cannot surely be coincidental: the Athenian ἀρχή ("empire") is echoed in the ἀρχή ("archonship") of Themistokles, which is seen as the ἀρχή ("beginning") of Athenian prestige. Thucydides, I suggest, dates the inception of the Peiraeus project as he does not because he drew on an annalistic source but because of a preconceived notion that Themistokles, the far-sighted statesman, had long foreseen the advantages that such a location would confer. Historically, the assignment of the project to the year of his archonship may or may not be questionable, but artistically and linguistically it harmonises with the context and for that very reason was chosen; importantly, we need not introduce Hellanikos, or any other hypothetical pre-Thucydidean annalist, into the equation; Thucydides' narrative is readily explicable on its own internal merits.

1.93.3, if analysed carefully and with proper attention to context, does not lend support to the view that Thucydides in writing an account of the Fifty Years sought to rival an annalistic predecessor who had provided archon dates for each and every major event of that period. As already remarked, the very fact that Thucydides felt any need to embark upon the digression at all suggests that no systematic treatment, much less one that had adopted an annalistic method, had ever yet been undertaken. Of course, the criticism of parochial dating at 5.20.2 may very well suggest that such methods were in vogue by the end of the fifth century, but this does not necessitate the conclusion that the *Atthis* of Hellanikos had adopted any of the principles of



composition criticised by Thucydides. Independent sources attest that at around this time Hippias of Elis compiled - perhaps for chronographic purposes - a list of athletic victors at Olympia, and Hellanikos himself is known to have composed a treatise entitled *Ἱερείαι*, in which famous events in Greek history could be pinned down to a list of Argive priestesses.<sup>29</sup> Yet even in these cases it is not obvious that Thucydides was alluding to the techniques of predecessors. It seems as likely that the question of how to narrate the history of the Peloponnesian War was being treated *in abstracto* and that Thucydides differentiated his own chosen technique from one which was in theory possible, though perhaps never applied in practice. The question confronted by Thucydides is how to narrate *contemporary* history, and, given that Thucydides regarded his choice of subject matter as itself innovative within the tradition of Greek historiography, the purpose of the statement at 5.20.2 may well have been to criticise some theoretical possibility rather than actual treatises which had employed the method of dating by magistrates. The matter must of course remain speculative, but the digression on narratological method offers insufficient grounds on which to suppose that Hellanikos' *Atthis* exemplified the compositional techniques rejected by Thucydides. Far more emphatically, the testimony of 1.97.2, which names Hellanikos explicitly, must imply that the form of the *Atthis* was *not* annalistic.

Before engaging in positive assessments of the literary techniques employed by Hellanikos in the *Atthis*, we cannot pass over a passage in the *De Thucydide* of Dionysios, which, if its testimony is valid, may present a theoretical objection to the conclusions reached thus far. Summing up his analysis of the methods employed by the predecessors of Thucydides, Dionysios reflects on Thucydides' innovations within the Greek historiographical tradition: οὔτε γὰρ τοῖς τόποις, ἐν οἷς αἱ πράξεις ἐπετελέσθησαν, ἀκολουθῶν ἐμέρισε τὰς διηγήσεις, ὥς Ἡρόδοτος τε καὶ Ἑλλάνικος καὶ ἄλλοι τινὲς τῶν πρὸ αὐτοῦ συγγραφέων ἐποίησαν· οὔτε τοῖς χρόνοις, ὥς οἱ τὴν τοπικὴν ἐκδόντες ἱστορίαν προείλοντο, ἥτοι ταῖς τῶν ἱερέων ἢ ταῖς περιόδοις τῶν Ὀλυμπιάδων ἢ τοῖς ἀποδεικνυμένοις ἄρχουσιν ἐπὶ τὰς ἐνιαυσίους ἀρχάς. καινὴν δὲ τινα καὶ ἀτρίβῃ τοῖς ἄλλοις πορευθῆναι βουλευθεὶς ὁδὸν θερείαις καὶ χειμερίοις ἐμέρισε τὴν ἱστορίαν.<sup>30</sup> Dionysios' chief concern is to differentiate the horizontal from the vertical conception of history and, in so doing, to highlight the departure taken by Thucydides from either methodology. Noteworthy is that Hellanikos is said to have composed τοῖς τόποις...ἀκολουθῶν – that is, he employed a topological rather than a chronological method of division.



Though a quick and superficial reading of this evidence may lead to the conclusion that the *Atthis* was not composed in chronological sequence, it is nonetheless clear that Dionysios, in likening Hellanikos to Herodotos, must have been thinking of works, like the *Κτίσεις*, whose subject exceeded the boundaries of a single locality.<sup>31</sup> More important is the claim that the annalistic method was adopted by local historians (οἱ τὴν τοπικὴν ἐκδόντες ἱστορίαν). Hellanikos, though relegated to a class of historians whose narratological concerns were not limited to single cities, is known from independent sources to have composed many local histories beside the *Atthis*, and Dionysios himself even describes Hellanikos as a local historian earlier in the same treatise. Thus, he might have been remembered in later antiquity to have been both a local and universal historian, and, if the equation between local history and chronicle has any value, the probable implication is that the *Atthis*, in virtue of its being a “local history”, employed the methods attributed to local historians generally.

The association between local history and chronicle presents difficulties for the thesis that Hellanikos’ *Atthis* did not belong to the annalistic tradition at Athens. Unless of course, as is distinctly likely, Dionysios was indulging in a generalisation, the evidence of ch. 9 seems to confirm the conventional scholarly claim that an *Atthis* by definition employed an annalistic method. Questionable, though, is just how much credence the equation deserves. Close analysis of the reliability of Dion. Hal. *Ant. Rom.* 1.8.3 has already illustrated that Dionysios was not averse to making broad generalisations whose relevance may, in reality, have been limited to a small fraction of known cases.<sup>32</sup> That Dionysios is prone to a similar charge in the *De Thucydide* is clear from the independent evidence for Hellanikos’ other local histories, none of which seems on the strength of the surviving fragments to have been a chronicle. The one extant remnant of the *Αἰολικά* suggests that the work concerned itself (at least in part) with the genealogy of Orestes, the legendary founder of Aiolis;<sup>33</sup> the *Λεσβιακά* seems to have been a treatise discussing the aetiology of place-names at Lesbos,<sup>34</sup> and the fragments of the *Ἀργολικά*,<sup>35</sup> *Βοιωτικά*,<sup>36</sup> and *Περὶ Ἀρκαδίας*<sup>37</sup> all indicate that Hellanikos’ primary interest lay in the genealogy of eponymous founders and in the early kings and heroes attached to localities in Greece.<sup>38</sup> The preponderant interest in genealogy evident in all of these works itself tells against an annalistic method, for, as the purpose of a genealogical enquiry is to draw vertical relationships that cut across the horizontal divisions demanded by an annalistic narrative, any work whose concern



was to map out genealogical stemmata must in very nature have been unsuited to the literary form imposed by a chronicle. Thus, the notion that these treatises, merely because they dealt with local history, need *ipso facto* have employed annalistic techniques is unsustainable, and the stark definitions employed in chapter 9, like the generic statement at *Ant. Rom.* 1.8.3, seem above all to serve the needs of theoretical tidiness. Dionysios' evidence, while presenting little substantive support to my case, certainly presents only a very minor obstacle, and we may therefore feel justified in dismissing it as the product of theoretical distortion and simplification.

The argument so far has taken a negative direction, and, while the valuable testimony of Thucydides suggests that the *Atthis* of Hellanikos was *not* a chronicle, it gives little positive indication as to the nature of its material or its literary form. In order, therefore, to arrive at some positive estimation of the structure and content of the work, the discussion must turn to the quoted remnants, which, though sparse and seldom informative, together give the distinct impression that its chief aim was to reconstruct from local city and family traditions a series of genealogical stemmata containing the names of famous personalities and clans throughout local Attic history. The evidence unfortunately is too slender for any reliable conjecture as to the shape of the work, but the fragments cited explicitly from the first and second books offer revealing clues: of the four excerpts taken explicitly from the first book, three have a specific relevance to famous personalities in Attic legend descended from Olympian gods;<sup>39</sup> of the five excerpts cited from the second, two pertain to the genealogies of Attic heroes<sup>40</sup> and one the genealogy of a family institutionally connected with the Eleusinian Mysteries.<sup>41</sup> That the *Atthis* comprised four books is clear from a citation of Harpokration, but there is no good grounding on which to discern the contents of the third or fourth; in spite of its relative paucity, however, the evidence lends the distinct impression that the *Atthis* of Hellanikos, like the Ἀργολικά, Βοιωτικά, and περὶ Ἀρκαδίας, was a genealogical treatise but, in the course of its genealogical enquiries, engaged in historical digressions concerning events and achievements with which the more famous names in the stemmata were associated.

The priority of genealogy within the general framework of the first *Atthis* is perhaps best illustrated in a passage preserved in a scholion on Plato's *Symposium*. Hellanikos is cited specifically for information concerning the descent of king Kodros from Deukalion, one of the sons of Herakles who occupied a central place in Greek mythology, and the fragment is quoted *verbatim*. Kodros' descent from Deukalion is



expounded in clinical detail, and Hellanikos is careful to note down the divergences of opinion among his sources. At the end of the genealogy, Hellanikos appears to have engaged in a short digression on how Kodros' father Melanthos acceded to the throne of Attica and how Kodros himself died while resisting the Dorian invasions.<sup>42</sup> That the mythological details connected with the reigns of Melanthos and Kodros played second fiddle to the genealogy of Kodros reveals a basic fact concerning Hellanikos' narrative technique and the aims of his treatise. Indeed, it suggests that the purpose of the first *Atthis* was to organise the vast array of names, both legendary and historical, throughout Athenian tradition into a system of genealogical relationships and, in passing, to adorn what would otherwise have been a dry genealogical enquiry with colourful myth and anecdote. In the case of the kings, to whom a sizable portion of the work seems to have been devoted, we can see how investigations into their genealogies might have lead to the construction of a king list, and, if Hellanikos accompanied his stemmata with records of legends associated with the great names, the link between a genealogical treatise and a proto-chronicle, which structured (at least part of) its narrative around a list of kings, may be very close.<sup>43</sup> Yet even if Hellanikos' investigations into the genealogies of the Attic kings did in practice result in a king list, we must not presume *a fortiori* that this list represented the defining structural principle of the narrative; rather, as the fragment preserved by the scholiast on the *Symposium* shows, the focal point of Hellanikos' interest was not the reign of king Kodros *per se* but rather the genealogy of Kodros and his relationship to other famous personalities in Attic and Greek mythology; the attending notes concerning events that took place in the reigns of Kodros' father Melanthos, of Kodros himself and of Kodros' son Neleus are incidental and exist for the purpose of illustrating, first, how the Κοδρίδαι acceded to the Attic kingship, and second, how the expression εὐγενέστερος Κόδρου became entrenched in popular Athenian parlance.

Hellanikos, as has already been seen, devoted at least some of his work to the genealogies of local Attic heroes, especially those whose names were associated with shrines or with other known religious and political institutions, and, as the remark of Thucydides in the Πεντηκοντάετια indicates, Hellanikos did allude (ἐπεμνήσθη) to more contemporary history. Exactly in what manner or under what circumstances he did "allude" to contemporary events is difficult to discern from the sheer elusiveness of Thucydides' comment, but that he did so in genealogical contexts is clear from the observable fact that his genealogical interests extended into the contemporary period.



Two pieces of independent testimony support this re-construction. Plutarch attests that Hellanikos had traced the ancestry of the orator Andokides back to Odysseus.<sup>44</sup> The statement that Hellanikos εἰς τοὺς Ὀδυσσέως ἀπογόνους ἀνήγαγεν indicates a detailed genealogical treatment, and comparison with the excerpt preserved in the scholion to Plato's *Symposium* lends confirmation to the idea that the genealogy of Andokides formed the main focus of Hellanikos' enquiry at this point. Either in the course of the genealogical investigation or afterwards Hellanikos may even have commented upon some of the deeds of Andokides' more famous ancestors, including his grandfather and namesake, who helped broker the Thirty Years' Peace of 446/5. The author of the *Lives of the Ten Orators*, drawing upon Hellanikos, attests that Andokides was the son of Leagoras, who in turn was the son of the same Andokides who had helped forge peace with Sparta. If, as is distinctly possible, the biographer had revamped material taken directly from the *Atthis*, the most natural implication is that Hellanikos had alluded to the treaty that brought a termination to the First Peloponnesian War and perhaps digressed on some of the circumstances under which it was contracted.<sup>45</sup> As already remarked, the defining context of the allusion seems not to have been an annalistic account of the Fifty Years but a topical investigation into the genealogy of Andokides, and, even if it can be imagined that he sprinkled his treatment of modern history with chronological pegs such as archon dates, this is a far cry from holding that the archon list constituted the backbone of the *Atthis*.

The distinction between a narrative that uses archon dates in passing and one that structures itself around an archon list is crucial to bear in mind when trying to discern the literary form under which the first *Atthis* was conceived. Thucydides' reference to the archonship of Themistokles, where a clever artistic play is made upon the word ἀρχή, has already been noted.<sup>46</sup> Another important example is provided by Herodotos, who in Book VIII of the *History* alludes to the archon in whose year of office the Persians occupied Attica.<sup>47</sup> Needless to say, neither narrative takes the form of a chronicle, but, had either of these works survived in mere fragments, we might have been beguiled by a scholiast citing (*e.g.*) the eighth book of Herodotos' *History* for the events of the archonship of Kalliades that the work cited had taken the Athenian archon list as its shaping principle. Such *caveats* need not worry us for works such as the *Atthis* of Philochoros, where the disposition of the fragments shows beyond question that the order of the narrative was chronological and where some citations positively demonstrate that the archon list constituted the narratological



backbone. The problem is far greater for works like the *Attic History* of Hellanikos, where no obvious chronological arrangement is reflected in the extant fragments and where many of the remnants indicate a preponderant concern with genealogy, which, as already noted, cuts across the horizontal divisions imposed by a chronicle. The only two fragments which, if read in isolation, suggest an annalistic arrangement relate to events of the archonship of Antigenes (viz. 407/6), but each is preserved in scholia to Aristophanes' *Frogs*, and, given the degree to which scholiasts are known frequently to have distorted and misrepresented the original contexts of the material that they cited (see above, pp. 8-9 and Appendix II), the grounds for supposing that these fragments come from a chronicle are, when combined with the other testimony, tenuous.<sup>48</sup> Certainly, the weight of the evidence taken in its totality tells against an annalistic arrangement, and it begs far fewer questions to suppose that schol. Ar. *Ran.* 694 has misconstrued the context in which Hellanikos referred to the liberation of slaves in 407/6 than to hold that the genealogical investigations reflected in the other fragments were digressions in a narrative whose overriding structure was annalistic.<sup>49</sup>

The great merit of Jacoby's polemic against Wilamowitz was to recognise the *Atthis* of Hellanikos as the progenitor of Atthidography in the broadest sense of the term – that is, a genre of historical writing whose subject matter pertained broadly to the history of Attica. Its great deficiency, meanwhile, was the further claim that the first *Atthis* took the form of an annalistic narrative and, in so doing, not only dictated the literary form for subsequent *Atthides* but organised a body of historical tradition into a narrative structured around the archon list, on which later Atthidographers modelled their narratives of Athenian history prior to the fourth century. While the genealogical investigations of Hellanikos may have provided useful groundwork from which subsequent historians, such as Philochoros, could integrate written historical material into an annalistic context, the existing evidence gives little support to the idea that Philochoros and his more recent predecessors simply re-gurgitated a tradition of subject matter that Hellanikos had related in an annalistic narrative. Importantly, we must dispense with the idea that Hellanikos had provided a skeletal outline of archaic and classical Athenian history that subsequent chroniclers could incorporate and embellish. Hellanikos' *Atthis* was in essence a genealogical disquisition, and, while making passing references to historical and mythical events, it need in no sense have been a primary model or significant source for later annalists like Philochoros.



#### 2.4. The *Atthides* of the fourth century: Antiquarianism versus chronicle.

We now turn to the claim that Philochoros modelled his fourth-century narrative upon a series of chronicles dating from the time of Kleidemos. The historians in question are, in chronological sequence, Kleidemos, Androtion, Phanodemos, Melanthios, and Demon. Kleidemos' precise dates are unknown, but his literary activity has been dated on the grounds of a fragment relating to *συμμορία* - which, as a fragment of Philochoros attests, were not known before 378/7 - to the early or middle of the fourth century.<sup>50</sup> A lower terminal date for Kleidemos is supplied by Pausanias, who attests that Kleidemos was the eldest of those *ὅποσοι τὰ Ἀθηναίων ἐπιχώρια ἔγραψαν*. Since his successor, Androtion, probably published his *Atthis* some time around 338/7, the publication of Kleidemos' treatise can tentatively be assigned to the period from c. 375 to c.350. Of the local Attic historians Androtion's life is far the best documented, and the annalistic nature of his work allows us to conclude that his narrative finished probably with the Battle of Chaironeia.<sup>51</sup> For Phanodemos there is a considerable quantity of inscriptional evidence, which in total indicates a period of political activity dated to the 330s and 320s, and, though there is no indication of the publication date of his treatise, scholars have generally been inclined to date his *Atthis* to the last two decades of the fourth century.<sup>52</sup> As for Melanthios there is no secure dating criterion, and in Demon's case the only indication comes from the biography of Philochoros, which attests that Philochoros wrote either a commentary upon or a response to his *Atthis*.<sup>53</sup> Of all these historians the only one who can be said with any certainty to have written a chronicle is Androtion, and even here the extent to which Philochoros based his fifth- and fourth-century narrative on Androtion is questionable.

The form and content of Kleidemos' *Atthis* are difficult to discern from the existing testimonia and fragments. The surest guide is its alternate title *Πρωτογονία*, which seems to imply a treatise of antiquarian concern. Thanks to two references under different titles by Athenaios to a passage from the same work, the *Πρωτογονία* must be identified with that treatise which, in later bibliographical parlance, came to be known under the convenient title of *Ἀτθίς*. The first fragment in the catalogue concerns the aetiology of the name Ἄγραι; Kleidemos apparently recorded that the original name for the bank of the Ilissos, which later came to be called Agra(i), was Helikon and that the name changed because the sacred hearth of Poseidon Helikonios stood at the highest point (*ἐπ' ἄκρου*).<sup>54</sup> In another fragment Kleidemos attests that the name Maketa, now a province of Macedonia, was once the name for the



kingdom.<sup>55</sup> In another he explains that the Pnyx received its name because of the fact that that when it was full it was crowded (πυκνομένην),<sup>56</sup> while in yet another he attests that the one hundred συμμορίαί at Athens found their precedent in the fifty ναυκραρίαί of earlier times.<sup>57</sup> Though they give little indication of the prevailing shape of the *Atthis*, the fragments along with the earlier title indicate that Kleidemos had composed an antiquarian treatise whose chief concern was to trace the origins of place-names, religious practices, political institutions and other matters of topical interest and to record the surrounding body of mythology, aetiology and etymology.

As already argued, the notion that the *Atthides* of the fourth century were chronicles depends entirely on a statement by Dionysios in the *Antiquitates Romanae*, which, if read with proper attention to context, must be taken *cum grano salis*. This extremely tendentious testimony has coloured most modern notions of Kleidemos' work, even though there are strong independent reasons to believe that its shaping principle was anything but annalistic. That Kleidemos' *Atthis* could not have adhered to an annalistic rubric is suggested negatively by the fact that unlike the *Atthides* of Philochoros and Androtion it is never cited for dates and positively by the fact that some fragments cut right across horizontal divisions of time that Dionysios believed to have been characteristic of local histories in general. Perhaps the best indication that its format was *not* annalistic is provided by a fragment from Kleidemos' third book, to which we have just alluded, concerning the history of demographic divisions in the Athenian citizenry. The fragment, preserved in *oratio obliqua* by the Byzantine lexicographer Photios, reads: ὁ Κλείδημος ἐν τῇ τρίτῃ φησὶν ὅτι Κλεισθένους δέκα φυλὰς ποιήσαντος ἀντὶ τῶν τεσσάρων, συνέβη καὶ εἰς πεντήκοντα μέρη διαταγῆναι αὐτούς, ἃ ἐκάλουν ναυκραρίας, ὥσπερ νῦν εἰς τὰ ἑκατὸν μέρη διαιρεθέντας καλοῦσι συμμορίας.<sup>58</sup> On any non-prejudicial assessment, the context from which the fragment is excerpted was not of a chronicle, since the information is relevant to more than one period of history and, indeed, draws a vertical connection between institutions separated by over a century, but of an antiquarian investigation into Athenian demographic history: the participial phrase Κλεισθένους δέκα φυλὰς ποιήσαντος ἀντὶ τῶν τεσσάρων merely explains that the Athenian tribes, owing to the reforms of Kleisthenes, numbered ten instead of the original four but does not set the remaining gloss within the framework of a yearly entry; rather, the allusion to the συμμορίαί of the fourth century must indicate that the original passage, compressed and epitomised by Photios, had treated in a diachronic fashion the political precedents



of the method of organising the Athenian body civic into units divisible by ten. The words συνέβη καὶ throw into relief the prevailing concern of the fragment with decimal organisation, for not only did Kleisthenes create ten tribes but he also divided these into fifty parts (5 x 10), and these later became one hundred parts (10 x 10); Kleidemos, in other words, was not alluding to the Kleisthenic tribal reforms in the backdrop of an annalistic entry for the year 508/7 but was concerned to isolate a specific feature of these reforms that since had recurred since Kleisthenes again and again in the history of Athenian political demography – namely, the attempt to make the number ten a fundamental unit of internal demographic division.

The antiquarian nature of Kleidemos' treatise presents a strong objection to the notion that it belongs to the tradition of annalistic writing at Athens. Pausanias' comment in the *Περίηγησις* that Kleidemos was the first Athenian historian to relate τὰ ἐπιχώρια need not imply, as is usually thought, that Kleidemos was in Pausanias' estimation the first to write a local chronicle of Athens. Rather, it implies simply that Kleidemos was the first to compose a treatise dealing in some way with the history and antiquities of Attica, and nothing in Pausanias' own terminology suggests that he associated the recording of τὰ ἐπιχώρια with annalistic writing *per se*. As seen already, an association of this kind is probably the product of theoretical discussion in the early Hellenistic period, and the passages from the ancient sources supporting the connection are few and tendentious. Beside the questionable testimony of Dionysios in the *De Thucydide*, the one piece of testimony that might lend confirmation to the traditional theory comes from the *Etymologium Magnum*, which defines ὠρογραφίαι (*viz.* chronicles) as αἱ κατ' ἐνιαυτὸν ἀναγραφαὶ γινόμεναι τῶν ἐν ταῖς πόλεσιν. While a link between local historical works (ἀναγραφαὶ...τῶν ἐν ταῖς πόλεσιν) and the method of narrating year by year (κατ' ἐνιαυτὸν) may be taken at first sight to imply that the lexicographer saw the two categories as semantically co-extensive, it is equally possible from the wording that ὠρογραφίαι were those ἀναγραφαὶ....τῶν ἐν ταῖς πόλεσιν which narrated events κατ' ἐνιαυτὸν.<sup>59</sup> The implication, in other words, may well be that horography (*viz.* the genre of local chronicle) is a subspecies of local historical writing in its broadest sense, and, even if a connection was made by theorists of the Hellenistic, Roman and Byzantine periods between local history and chronicle, we must not allow sweeping categorisations of this kind to prejudice our judgment of the attested remnants. In Kleidemos' case, the remnants of his work fail



to support the theory that his *Atthis* could have constituted any literary model or historical source for Philochoros, and the sheer lack of instances where Kleidemos is cited in conjunction either with Philochoros or with any of the other local historians militates against the idea that his *Atthis* had much in common with others of the title.

These considerations are vital to bear in mind as we turn to consider the *Atthis* of Kleidemos' successor in the Atthidographic tradition, Androtion, and the extent to which he departed from the literary methods of his predecessors. For, unlike the first two local historical treatises, Androtion's *Atthis* is the first of its title whose fragments show unmistakably that the work employed an annalistic technique and the first to devote a significant portion of its attention to constitutional history. The two facts are not unconnected, since it was indeed the method of narrating history in chronological order that served one of the most important aims of the first annalistic *Atthis* – namely, to illustrate the chronological stages by which Athens' democracy and political institutions came into existence. Though to elucidate the development of the democracy was not the only aim of the work – in fact most of the fragments bear no connection with constitutional matters – the sheer number of fragments that do bear upon items of constitutional interest is itself significant: the merit of chronological organisation was to give an overview of Athens' internal politics and the processes by which not only the democracy but her standing in the Greek world came into being.

That the *Atthis* of Androtion was at least in its later books conceived as a chronicle is clear from the evidence of a scholiast to Aristotle's *Ethics*, quoting Androtion *verbatim* for information on the Spartan diplomatic initiatives to Athens in 408/7: Εὐκτῆμων Κυδαθῆναιος· ἐπὶ τούτου πρέσβεις ἦλθον ἀπὸ Λακεδαιμόνος Ἀθήναζε Μέγιλλος καὶ Ἐνδιος καὶ Φιλοχαρίδας, κτλ.<sup>60</sup> The method of introducing an annalistic entry with an archon's name and demotic, followed by the formula ἐπὶ τούτου and the subsequent narrative was precisely the method used by Philochoros, and with Androtion we find the first literary model for subsequent annalistic histories. Even if the earlier books did not structure their contents rigidly around the archon list, there can be little doubt that the work followed a chronological pattern. The fragments of Book I indicate a concern with the mythological origins of Athens and Attica.<sup>61</sup> The limits of Book II are difficult to judge, but, depending upon an interpretation of a fragment cited by Maximus, it may have begun with Solon and covered events either down to the reforms of Ephialtes in 462/1 or to the outbreak of the Peloponnesian War in 432/1.<sup>62</sup> Book III indicates that its prevailing concern was



the events of the Peloponnesian War, and a fragment preserved by Harpokration suggests that Book III ended with the tyranny of the Thirty.<sup>63</sup> If the fifth began with the democratic restoration of 403, as hinted by a fragment relating to events of c.397, the only natural conclusion is that the fourth constituted a digression within the broader annalistic framework of the narrative.<sup>64</sup> The subsequent books all appear to have treated the history of Athens in chronological order, Book V dealing with the period from 403/2 to 360/59,<sup>65</sup> Book VI the period dating from Philip's accession to the Macedonian throne to the Battle of the Crocus Field in 354/3,<sup>66</sup> and Book VII the period subsequent to the repulse of Philip at Thermopylai.<sup>67</sup> The last dated fragment, whose provenance is unknown, relates to the events of 344/3,<sup>68</sup> and we can only conjecture on the basis of Androtion's lifespan that the *Atthis* ended sometime in the late 340s or early 330s, perhaps with the Battle of Chaironeia.<sup>69</sup>

The *Atthis* of Androtion very clearly served as a literary model for Philochoros. Unlike the *Atthides* of Hellanikos and Kleidemos, the disposition of the fragments leaves no doubt that the structural principle of Androtion's *Atthis* was chronology and that, by the third book at latest, Androtion had taken to using the archon list as the backbone of his narrative. That Androtion, in contrast with his two predecessors, was the authority on whom Philochoros could rely to some considerable extent is evident in the fact that, whereas Philochoros is cited only once in conjunction with Hellanikos and never in conjunction with Kleidemos, he is cited nine times in conjunction with Androtion.<sup>70</sup> This itself reveals much of Androtion's place within the Atthidographic tradition and of the significance of his *Atthis* as a source for Philochoros: while Philochoros might have made passing use of other *Atthides*, only in Androtion's does there seem to be a close parallel between the literary methods used and the historical subject matter related. Even here, however, we must be cautious before assuming that Philochoros derived all his sixth-, fifth- and fourth-century narrative from Androtion. The sheer abundance with which Philochoros is cited suggests that he treated the history of Athens in greater detail and, even in his earlier books, covered far greater ground than his annalistic predecessor. No doubt Philochoros repeated much of what had appeared in the *Atthis* of Androtion, but the fact that the great majority of the excerpts from the fifth- and fourth-century narrative are *not* cited in conjunction with Androtion nor, for that matter, with any other author shows that the first seven books of Philochoros' *Atthis* need not merely have re-gurgitated the contents of Androtion's.



Between Androtion and Philochoros there is no decisive evidence of annalistic writing. Dionysios in the *Antiquitates Romanae* attributes to Phanodemos an Ἀττικὴ Ἀρχαιολογία, and, given the antiquarian and mythological concerns of the extant fragments, we have reason to suppose that the title signifies the same treatise referred to by other authors as the *Atthis*.<sup>71</sup> Only seven fragments explicitly survive of the *Atthis*, all of which suggest that the work from which they are taken contained a collection of local Attic legends, many of which seem to have had an aetiological character. One cited from Book II relates, in an uncertain context, the genesis of quails (ὀρτύγες).<sup>72</sup> A fragment from Book IV cited by the scholiast on Aristophanes' *Birds* relates to the establishment of the shrine of Artemis Kolainis by a descendant of Hermes.<sup>73</sup> Photios, in turn, cites from the fifth book information on why the daughters of Erechtheus were called Ὑακυνθίδες,<sup>74</sup> and Harpokration quotes the sixth for the significance of the Τριτοπατόρες in Athenian marriage rites.<sup>75</sup> Athenaios quotes the seventh book of Phanodemos' *Atthis* on the Egyptian name for a variety of bread.<sup>76</sup> These and other fragments lacking statement of provenance suggest collectively that Phanodemos' *Atthis* comprised legends relating to the origins of names, places and customs.<sup>77</sup> Whether or not those fragments cited without mention of the text from which they come should be attributed to the *Atthis* depends on the question of how extensive we believe Phanodemos' literary output to have been, but, apart from a brief allusion by Stephanos of Byzantium to a work entitled Ἰκτιακά<sup>78</sup> and Harpokration's quotation from a work entitled Δηλιακά,<sup>79</sup> no other work of significance is recorded.

There is little material on which to base any reliable conjecture concerning the *Atthides* of Melanthios and Demon. Only one fragment survives of Melanthios' *Atthis*, quoted for its use of a rare word for seismic activity.<sup>80</sup> Three other fragments are attributed to a treatise *On the Eleusinian Mysteries*, but there is no indication whether this was a different title for the same treatise.<sup>81</sup> The only evidence that Demon composed an *Atthis* comes from the biography of Philochoros and two quotations by Athenaios and Harpokration.<sup>82</sup> Jacoby supposed that the treatise of Philochoros *On the Atthis of Demon* was concerned with a chronicle, but this claim rests upon the tendentious assumption that title *Atthis* could apply only to annalistic works. The only reliable source for the contents of Demon's *Atthis* is Athenaios' *Deipnosophistai*, which cites from the fourth book material explaining the Eleusinian practice of consuming head and feet of sacrificial victims and the attending aetiology.

Combined with Harpokration's attribution to Demon of a treatise *On Sacrifices*, there is a considerable possibility that the two works were identical and that the prevailing interest of the *Atthis* was sacrificial practices within Attica.<sup>83</sup> Harpokration also ascribes to Demon a treatise *On Processions*, which alongside the treatise *On Sacrifices* possibly formed a smaller component of a larger compilation entitled *Atthis*.<sup>84</sup> Other fragments attributed to Demon show a broad knowledge of matters pertaining to sacred ritual, but, in the vast majority of cases, we have no way of knowing whether they bore any connection with the *Atthis*. At very least, there is no evidence whatsoever that Demon wrote a chronicle, and it is likely that the treatise *On the Atthis of Demon* was a commentary upon a scholarly work comparable in nature and concern to the sacred and scholarly works of Philochoros himself.

The conclusion of this survey is that Philochoros' *Atthis* does not presuppose a tradition of annalistic writing stretching back to Hellanikos. The only work clearly comparable in form and content was the *Atthis* of Androtion, but, even here, the precise relationship is uncertain. Philochoros is cited nine times in conjunction with Androtion, and on most of those occasions they are quoted for identical information. Still, we cannot assume on faith that the non-contemporary portions of Philochoros' narrative simply regurgitated material culled from Androtion's *Atthis*. As for the other works bearing the title Ἀτθίς, careful examination of the evidence shows they were quite different from one another in terms both of the material that they related and of the form that they employed. In the majority of cases, the *Atthides* of the fifth and fourth centuries will not have been important sources for Philochoros, and we must discard the notion that Philochoros, when composing the earlier portions of his narrative, based his material on information derived from previous works of identical shape and concern. Philochoros, I suggest, was far more innovative in his literary methods than either Wilamowitz or Jacoby supposed and, as will be argued presently, drew his historical material primarily from non-literary texts (see Chapter IV).



### III

## Local Historiography: Influence and *Tendenz*

The chief conclusion of the previous chapter was that Philochoros' *Atthis*, while presupposing earlier treatises of similar title and nomenclature, does not imply a long-standing annalistic tradition at Athens. The only other *Atthis* of comparable scope and structure was the *Atthis* of Androtion, and, while Philochoros may have included into his own narrative material derived from Androtion, his sources were wide ranging and varied (see also Chapter IV). Hence, it is misleading to speak of the Atthidographic tradition as if it represented a series of works all following a similar literary rubric and treating a common stock of historical material. To be sure, the *Atthides* of Hellanikos, Kleidemos and Phanodemos dealt with mythical themes, and the possibility exists that Philochoros embedded in his early books tradition culled from those authors. Yet the relative uniqueness of Philochoros' *Atthis* as a chronicle suggests that Philochoros did not passively re-iterate material already related in annalistic form by earlier authors but applied considerable innovation and originality in shaping and structuring local Attic history. Insofar as the title Ἀτθίς had any binding generic significance, at most it designated a treatise whose predominant concern was the history and antiquities of Athens and Attica. Despite modern assumptions, it implied nothing of literary form or structure, and the majority seem to have followed anything but an annalistic rubric.

This chapter turns to the theory that Atthidography was political in its motives and that the aim of Philochoros *qua* Atthidographer was to present local history from an ideologically slanted perspective. Jacoby's conception of Atthidography as a genre whose defining hallmark was a propagandist presentation of history rests in part upon the preconceived notion that the only way in which each local historian of Athens could distinguish himself within a literary tradition in which individuality was in most other respects restricted was by adopting a distinct ideological angle in relating his material. If, however, the arguments of Chapter II are valid, the contention that a local historian of Athens needed to distinguish himself politically within a genre whose parameters were altogether rigid and permitted little authorial innovation or deviation from a fixed set of generic norms seems redundant. More importantly, the

idea that local history was a theme of ongoing polemic at the hands of Athenian politicians of the classical and early Hellenistic ages is disputable, and, if Athenian ideology in the fifth and fourth centuries is re-constructed from a wide range of classical sources, it is by no means obvious that the tendencies and slants evident in historiography of the age were in any sense conditioned by an ongoing polemic in the contemporary political sphere. Indeed, the sources suggest a background of broad popular consensus both as to the moral and prudential worth of the democracy and the historical processes by which it came into being, and the distinct angles from which authors of the classical and Hellenistic ages related history can in most cases be explained not in terms of political allegiances but on the internal merits of their texts.

The chapter is divided into seven smaller sections. The first of these identifies the main theoretical presuppositions underlying Jacoby's thesis that *Atthidography* was a political genre and tries to show that his attribution of political and ideological motives to Kleidemos, Androtion, Phanodemos and Philochoros is predicated on a preconceived theory as to the influence of ideological polemic in the public sphere upon the writing of local Athenian history. Though Jacoby regarded his methods as strictly empirical, the view that *Atthidography* was political depends strongly on the assumption - and it is only an assumption - that history was from the mid-fifth century onward a matter of protracted debate among Athenian politicians and that historians from the time of Herodotos constructed their accounts in conformity with the claims of political factions and "parties" with which they were associated. Any attempt to evaluate Jacoby's case must therefore look beyond the fragments and address the more fundamental doctrine that the assembly for the better part of the classical and early Hellenistic ages was dominated by politicians who used history as a tool of their propaganda and whose politically slanted views of history influenced literary authors.

The second section lays out in tabular form the arguments of E. Ruschenbusch, one of Jacoby's most faithful adherents, who on the basis of a wide range of literary texts from the fifth, fourth and third centuries maintained that constitutional history had become a contentious theme only by the second half of the fourth century and that *Atthidographers* beginning with Kleidemos in c. 350 slanted their narratives in ways that credited political factions and interest groups. Though disagreeing with Jacoby on the question of when the ancestral constitution (πάτριος πολιτεία) became widely disputed, Ruschenbusch held that *Atthidography* possessed as a defining characteristic the tendency to present history from a politically interested standpoint. Like Jacoby,



he saw a polarisation of opinion taking shape at the time of Isokrates' *Areopagitikos* between those on the one hand who believed that the early constitution was basically democratic and those on the other who held it to have been closer to oligarchy. On the basis of this claim, he imputed to the local historians from the time of Kleidemos, Isokrates' close contemporary, the habit of endorsing one of the various conceptions of the *πάτριος πολιτεία* in popular currency and, with Jacoby, argued that the chief aim of an Atthidographer was to depict in line with his own political affiliations and sympathies the early constitution either as a radical democracy or an intermediate dispensation between democracy and oligarchy. This section will lay the ground for the discussion of the remainder of the chapter, which examines each author on Ruschenbusch's list for political bias and tests the extent to which bias, if evident, can be ascribed to a wider background of ideological polemic in Athenian politics.

The third section deals with the first two authors on Ruschenbusch's list, the fifth-century historians Herodotos and Hellanikos. Starting with Herodotos, it argues that, while the "Athenian chapters" of the *History* are tendentious, *Tendenz* in the text is explicable not in terms of association with a contemporary faction at Athens so much as in terms of Herodotos' own fundamental dislike for Athens and his wish to caricature the birth of Athenian democracy, contrary to all the ideology prevalent at Athens in his day, as the product of dirty factional intrigue. Its main argument is that the contents of Herodotos' narrative do not result from political affiliations with the Alkmaionidai, and the idea that popular conceptions of history divided down neatly definable lines and manifested themselves in different literary accounts is simplistic. It will also examine the evidence for political bias in the *Atthis* of Hellanikos and will address the claim that Hellanikos distorted history in accordance with an agenda opposed to that of the "party" with which Herodotos was affiliated. Its conclusion is just that local historiography at Athens from its inception was not rooted in local politics and that Atthidography did not, as Jacoby postulated, arise in an effort to endorse the historical perceptions of a small segment of the body politic. Rather, the nature of local historiography from its beginnings was to present the history of Athens in ways that militated *against* the beliefs and ideologies of contemporary Athenians, and this alone suggests that the relationship between written history and perceptions of history in the public sphere was more tenuous than Jacoby was prepared to allow.

The fourth section examines oratorical allusions to the Athenian lawgivers. Its contention is that local history was a matter of broad consensus at Athens and that the



names of the ancient lawgivers were not, as has traditionally been assumed, invoked by orators to endorse one of a variety of conflicting conceptions in public currency of which kind of constitution had been bequeathed to Athenians by their ancestors or which kind modern Athenians should in consequence adopt. Essential to Jacoby's theory was the assumption that differences in the way literary authors presented local history can be understood as a function of polemic in the public sphere over particular historical themes. A fresh study of the oratorical evidence will suggest, however, that most Athenians in the late classical period, if not from Herodotos' time, were united in the basic conviction that Athens' lawgivers beginning with Solon were essentially democratic and that the city's cherished democratic institutions were a legacy of her venerable lawgivers. Though it is true that certain oratorical texts, most notably the *Areopagitikos* of Isokrates (third on Ruschenbusch's list), favour a political system in which a prudential and moral elite occupy significant positions of power, it must also be remembered that these speeches were epideictic and did not thus enjoy the same exposure as the symbouleutic oratory of Demosthenes, Aischines and Hypereides. Rather, they must be read in the same light as political and theoretical treatises of the age (see section 3.5), interest in which was narrowly limited to a small intellectual coterie, and cannot be seen to signify an ideological polemic within the Athenian assembly itself. The modern notion that Athenians of the fourth and third centuries were engaged in a protracted debate on the ancestral constitution (πάτριος πολιτεία) wins little support in symbouleutic oratory, which, read in its totality, indicates broad public consensus with regard to the historical processes by which democracy came about and with regard to the value of democracy as a form of government.

The fifth studies the way in which political theorists of the later fourth century disputed the achievements of famous lawgivers like Solon and to what extent, if at all, the kind of theoretical debate distilled in treatises like the *Politics* of Aristotle typified contemporary political discourse in the Athenian assembly. Careful examination of relevant passages from the *Politics* suggests, *pace* Jacoby and Ruschenbusch, that theoretical debates concerning early Athenian constitutional development were waged within narrow intellectual circles and that the great majority of Athenians, who, as the oratorical evidence shows, believed simply and unequivocally that democracy was a bequest of Solon (see section 3.4), were essentially uninterested in such discussions. Though it is clear that by Aristotle's time more than one interpretation of the πάτριος πολιτεία had come into vogue at least within philosophical circles, it does not follow



that these differences in interpretation arose out of the Athenian assembly, and indeed it would seem from the way Aristotle contextualises the debate that its participants shared the conviction that radical democracy as practised at Athens was undesirable; this is itself telling, for, given that fourth-century Athenians mostly held democracy in high esteem (see section 3.4), it suggests that theoretical discussions of the *πάτριος πολιτεία* found their relevance within the narrow environs of the Lyceum. As for the evidence of *Ἀθπ.*, though its allusions to earlier historical accounts can be taken to imply that differences in historical interpretation were at times ideologically driven, the idea that ideological differences resulted in incompatible accounts of local history is nevertheless distorting and indeed gives a false impression of the possible motives underlying discrepancies in historical judgment among the *Atthides* (see section 3.6).

The sixth section gauges the extent to which local historical writing at Athens was driven by party politics and argues that, though the *Atthides* did present history with different slants, discrepancies within historiography need not be explained on the theory that the *πάτριος πολιτεία* was widely debated in the public sphere during the classical and Hellenistic periods, much less that literary histories gave expression to variant conceptions of history arising out of the assembly. The *Atthidographers* under consideration are Kleidemos and Androtion (fourth and sixth on Ruschenbusch's list), who are known independently to have construed certain historical themes in ways that diverged from the tenets of the *opinio communis*. Whereas Jacoby and Ruschenbusch explained discrepancies in the literary record by recourse to the theory that authors gave voice to "democratic" and "conservative" conceptions of the *πάτριος πολιτεία* in public currency, the reasons why the *Atthidographers* presented history as they did are in each case explicable on the internal merits of the fragments and need not invoke the explanation that either historian advanced historical views prevalent in political circles. Scholars have imputed ideological motives to the *Atthides* precisely because of their assumption that politicians in the classical age debated the themes on which they touch and that the aim of each successive *Atthidographer* was to endorse different trends of thinking that emerged from the assembly. On the strength of the conclusions of the earlier portions of the chapter, this section will look at fragments of the *Atthides* in their own right and seek explanations for their idiosyncrasies without recourse to preconceived theories as to their place within a broader polemical climate.



The seventh section draws together the conclusions of the previous argument and, in so doing, evaluates the theory that Philochoros was the last major author at Athens whose work was affected by ideological polemic in the public sphere. Though it is impossible to discuss this problem by exclusive reference to the fragments of the *Atthis*, examination of the tradition of historical writing prior to Philochoros suggests, contrary to the arguments of Jacoby and Ruschenbusch, that historiography was not in any sense a mouthpiece for a party or faction within the contemporary political arena. While it is true that some fragments of Philochoros' *Atthis* show a tendency to distort history in line with the theoretical presuppositions of the Aristotelian school, it is not obvious that Philochoros' re-construction of Athenian history was *politically* partisan in the sense that it voiced the views of a small segment of the Athenian body politic. The claim that Philochoros' perspective on how the constitution developed need have been representative of a body of opinion that emerged from the Athenian assembly is *petitio principii*, and it is in fact less question-begging to assume that Philochoros' conception of the evolution of the democracy was indebted to a tradition of theorising that culminated in the philosophical schools of the late fourth century.

### 3.1. The state of the question: Jacoby and the purpose of local historiography.

It is perhaps best to begin our analysis with a quotation from Jacoby's study, which has been cited time and time again by scholars since and which captures the essence of his argument that the *Atthides* resembled political pamphlets in aim:

"The political (as we may call it) conception of the *Atthis* means the assumption that political war was waged from the fifties of the fourth century onward not only by speeches of the politicians in the Assembly or political pamphlets but also (in a wider frame and perhaps more impressively) by an historical description of the whole development of the State and the constitution of Athens. This conception finds support both in general consideration and in the particular evidence of the *Atthides*, fragmentary though our knowledge of them is. A political attitude is characteristic of the general line of ancient history as far as this literature concerns itself with its own time; it is easier to enumerate, beginning from Herodotos, those historians who thought politically and wished to exercise influence on politics (the word for the present being taken in its widest sense) than to make it appear certain that some of them (as e.g. Ephoros) were altogether indifferent to politics. In a city like Athens (and presumably not only in Athens) political interest found its natural expression in local history which for the Athenian was plainly 'the' history; and it is equally natural that historical happenings were conceived by



the average local historian not so much from a scientific standpoint (by well-informed thought) as from that of his own party.... Of course the conception of the *Atthis* as party-literature is deliberately one-sided, because the Attic local chronicles treated wide domains that have no connexion with the political attitude of their authors or may have none; for we are seldom or never in a position to tell how far, e.g., cults and antiquities (not only those of constitutional law) were described unpolitically, for their own sake, or from a purely antiquarian interest, not because of their political implications..... But as far as we can see the political element is preponderant in all parts of the *Atthides* as well and signifies far more than an external, and perhaps accidental, incitement to the first work of the series. Interest was widely directed towards the constitution, which was seen in the light of the combats in the time of the writers. Theseus, Solon, Kleisthenes are not simply historical persons but figures over whose attitude in home policy men fought; in Atthidographic tradition they sometimes appear as champions of the people, sometimes as audacious innovators, or they are played off against each other as the founders of this or that variety of democracy. We can clearly observe Solon gaining ground during the fourth century, and pushing Kleisthenes almost entirely into second place, whereas in Hellanikos and (as it seems) in Kleidemos the former had receded into the background in connexion with the historical development of the Athenian constitution; later again both parties, quite consistently, claimed Solon for themselves.... The result is as certain in my opinion as we can expect it to be considering the situation. Atthidography, which began in the epoch of Philip and Demosthenes, and ceased with the downfall of the autonomy of Athens, is a *subspecies* of local history, and as the local history of an important city with political aspirations it was political by its very nature, arising as a weapon in party strife; it is in this respect comparable with Roman writing of annals after Cato and in the time of the revolution, rather than with the early Greek annalists.”<sup>1</sup>

Jacoby's argument consists of several inter-related claims. First, there is the assumption that a wealth of party propaganda proliferated in the fourth century, much of which concerned itself exclusively or primarily with constitutional history: those of a “radical” disposition, for example, characterised Solon as revolutionary in his aims and methods, while “conservatives” portrayed him as championing moderate reform. Second, there is the notion that Atthidography as a literary genre offered writers of different ideological inclinations a medium through which to advocate contemporary political programmes and agendas: though pamphleteering found expression in many literary genres, an historical treatise was especially well suited to the needs of fourth- and third-century authors to distort perceptions of history to satisfy the predispositions of the political “party” with which they were associated. Third, the more general claim is made that since the time of Herodotos writers had overtly or covertly sought to influence contemporary politics through their individual accounts of history: the



Atthidographers, insofar as their historical presentations entailed political agendas, thus fit into a tradition of historiography that goes back at least as far as Herodotos in the fifth century. Fourth, and most importantly, Jacoby saw ideological strife as an inevitable consequence of the fact that from the middle of the fifth century Athens had been a great city and that, as long as she remained independent, partisan warfare both in the assembly and in the academic schools flourished: local historians will thus have been immersed in a culture of ideological polemic, and the result was a succession of works that resembled more political pamphlets than “objective” historical enquiries.<sup>2</sup>

Jacoby, though pioneering in the theory that classical perceptions of the great Athenian lawgivers were driven and moulded by party politics, nevertheless presented an unsatisfactory explanation of how precisely classical Athenians contested the facts of their history and why public perceptions of the lawgivers developed as they did. Fundamental to his analysis was the claim that from the fifth century onward public figures construed history in ways that credited the ideological groupings to which they belonged, but he argued that the form in which historical polemic was waged changed over time. Prior to the political turmoil in the wake of the Sicilian disaster in 413, political discourse, he argued, turned on the basic issue of which of the great Athenian families was to be credited for driving out the Peisistratid tyrants: while a democratic faction headed by Perikles held that liberty was the bequest of Perikles’ ancestor Kleisthenes, a conservative faction centred around Kimon and the Philaidai sought to belittle Kleisthenes and credited instead the tyrannicides Harmodios and Aristogeiton; this debate, Jacoby held, is echoed in the so-called “Athenian chapters” of Herodotos’ *History* and fed into the *Atthis* of Hellanikos. Later, however, the focus of contention shifted. In 411, an oligarchy of four hundred men was installed but was overthrown in the space of a few months and was succeeded by a more moderate oligarchy of five thousand; full democracy was restored in the same year and lasted for another six, until Athens was defeated by Sparta and a ruthless oligarchy of thirty men was set up by Lysandros. During these years, on Jacoby’s reasoning, advocates of oligarchy set in opposition to the democratic Kleisthenic constitution the constitution of Solon, a more oligarchic dispensation, which, they argued, had existed prior to Peisistratos. The result was that, whereas the name of Solon had previously been associated not with a “constitution” but with the private and religious law of Athens, now Solon was seen to have drafted a constitution altogether more conservative than the Kleisthenic constitution, and in this way oligarchic sympathisers could argue that democracy was



an aberration from an older dispensation in which real power resided with a privileged elite. Democratic sympathisers called their bluff by co-opting the idea of a Solonian constitution but by characterising it instead as democratic in all its essential features; this initiative is, Jacoby held, reflected in the so-called “legal codification” that lasted from 410 to 399, when parties of all colours appealed to the authority of Solon as a means of justifying their political programmes and agendas. By the middle of the fourth century, Kleisthenes had taken a backseat in public debate, which revolved now around the question of whether the existing democracy was the bequest of Solon or instead was an innovation of Ephialtes and Perikles; conservatives held that the Solonian constitution (*i.e.* the *πάτριος πολιτεία*) was an intermediate dispensation between oligarchy and democracy, while democrats imputed to Solon’s authorship all the building-blocks of Athens’ present political system. The democratic tradition was incorporated by Kleidemos, the conservative tradition by Androtion, and the two were synthesised by Philochoros. After the capitulation of Athens to Macedon in 263, local historiography ceased to function as a weapon of internal party politics, and historical treatises became dry antiquarian works with little propagandist purpose.<sup>3</sup>

Jacoby’s re-construction is open to a number of *a priori* objections. The first concerns the idea that Athens for the better part of her history lay within the grip of political “parties” that were differentiated ideologically and were headed by political figures like Perikles and Kimon. The evidence on which this claim is grounded is questionable. In principle, the concept of an ideological division within the Athenian assembly is a theoretical schematisation of the Aristotelian school and first manifests itself in the political treatises of the late fourth century, notably *Ἀθ.π.*, which construe constitutional history in terms of a protracted political evolution driven by a struggle between rich and poor. Historical personalities are, in line with this theoretical model, perceived as the leaders of different factions, the “oligarchic” factions representing the claims of the rich and the “democratic” those of the poor. This chain of reasoning is logical but historically extremely naïve: because Perikles was for at least fifteen years in his career the most influential politician in democratic Athens, *ipso facto* he must - following the implied logic - have been a *προστάτης τοῦ δημοῦ*; his opponent Thukydides son of Melesias must by implication have represented the “conservative party” in decline in the wake of Ephialtes’ legislation. A comparable schematisation is evident in the case of Themistokles and Aristeides, who in *Ἀθ.π.*’s system represent the “democratic” and “oligarchic” sides of early fifth-century politics. Jacoby placed



faith in this analysis, but, as will be argued shortly, the schema presented in 'Αθπ.. conforms to the theoretical doctrines of the Lyceum and cannot in consequence be given credence. The upheavals of the late fifth century cannot in turn be seen as the product of deep-seated struggle between oligarchic and democratic parties, and close examination of the fifth-century evidence suggests in fact that both the regime of the Four Hundred and the regime of the Thirty were accidents caused by unforeseen exigencies. If so, the concept of a political war resulting in two or more incompatible accounts of history is a chimera and cannot be used to explain divergences evident in extant historical literature from the fifth, fourth and third centuries.<sup>4</sup>

Secondly, though it is quite true that the re-establishment of democracy in 410 resulted in the appointment of a board of ἀναγραφεῖς whose remit was to “write up” the laws of Solon, it is far from certain that the duties of this board amounted to more than a mundane transcription of legal texts from earlier records on to stone. Scholars in the past have argued that the appointment of the ἀναγραφεῖς marked an attempt on the part of the restored democracy to devise a comprehensive code of currently valid law, including constitutional law, which for the first time ever was attributed to the authorship of Solon. This so-called “legal codification” is held to have been part of a propaganda initiative by the “democratic party” to retroject the existing democracy to the time of Solon and counteract the efforts of the oligarchs to depict Solon as a man of their political stripe. When, following the same line of reasoning, the Thirty came to power, oligarchic sympathisers sought to turn the tide by enjoining the Thirty to re-draft the “Solonian laws” in accordance with their own political views. Yet, as will be argued in Chapter IV, the notion of a legal “codification” at the end of the fifth century is misplaced, not least for the fact that our one piece of reliable testimony to the activities of the ἀναγραφεῖς, a decree of 409/8 enjoining the publication on stone of Drakon’s law on homicide, suggests that they were empowered to do no more than re-publish older legal documents. The idea that they modified or re-formulated older laws and included within their “code” the statutory underpinning of the democracy wins no support in the historical evidence and is belied by independent knowledge of early Athenian law, which in no sense can be said to have been constitutional. The claim that the last decade of the fifth century represents an historical landmark when political parties began to use the name of Solon in support of their ideological agendas therefore rests on a false assessment of the activities of the ἀναγραφεῖς of 410 to 399



and of their role in the creation of an alleged “code of laws” in which the statutory basis of the democracy was for the first time embodied in writing.<sup>5</sup>

Yet there are objections of an even more radical kind to be levelled at Jacoby’s analysis. Underlying his case is the basic assumption that literary presentations of history necessarily paid lipservice to the historical perceptions of parties and factions in the public sphere. If his theory is to be believed, it must be supposed on principle that any attempt on the part of an author to characterise Solon (*e.g.*) as a “moderate democrat” can be explained by the existence of a faction within the assembly that disapproved of radical democracy and, using historiography as an instrument of its propaganda, advocated by reference to historical precedent a more “restrained” type of democracy than that now in existence. The model, implying as it does that local historiography at Athens was a tool of political war, embraces a palpable circularity of reasoning. Most objectionable is the way in which it reduces the historian to a lackey of the politician, a supposition that falls under serious doubt when we observe how independently and critically the most famous of the Greek historians, Herodotos and Thucydides, constructed their accounts and the extent to which they diverged on their own initiatives from current dogma and belief. Even if a literary depiction of Solon as a “moderate” can be thought to have been motivated by a more general tendency on the part of the author to downplay the democratic features of the early constitution, it is question-begging to assert without further reasons that the author advanced the claims of an affiliated circle, which, for ideological reasons of its own, minimised Solon’s contributions to the creation of democracy at Athens.<sup>6</sup>

Before launching into a detailed critique of the theory, I therefore recommend that we separate two commonly confused questions. The first is whether the *πάτριος πολιτεία* was contested in the classical age precisely in the way Jacoby imagined; the second is whether the literary texts of that period themselves slant history and, if so, whether we need to explain the fact by resorting to the hypothesis that local Attic historiography serviced the needs of contemporary political factions and groups that fashioned history to suit their own ideological agendas. These issues, as seen already, not only were conflated in Jacoby’s analysis but were made mutually dependent. For, as his wording shows, the theory that the aims of the Atthidographers resembled those of political pamphleteers depends upon the proposition that the *πάτριος πολιτεία* was for the better part of the classical and early Hellenistic ages debated in the public sphere and that Attic historiography served the requirements of politicians whose

propaganda made use of historical precedent as a rhetorical ploy. The theory, in other words, that local historical writing was political in its aims and objectives is predicated mainly on a *preconceived* notion as to the nature of political discourse at Athens in the late classical period and its effect upon historiography of that age. If we observe more carefully the nature of political discourse at Athens in the classical age, we need not assume that the *πάτριος πολιτεία* was debated in the assembly or that the phrase ever at any point in history became, as modern scholars have supposed, a party political slogan. The modern inference that Atthidography was influenced by contemporary party politics rests, I believe, upon a misreading of historical, oratorical and philosophical texts from the classical period, and only by re-examining those texts *ab integro* can we re-assess the purpose and function of Philochoros' *Atthis*.

### 3.2. The refinements of Ruschenbusch: Historiography, oratory and theory.

The most important contribution in the last fifty years to the question of the *πάτριος πολιτεία* and of the way it was perceived by Athenians of the late classical and early Hellenistic periods was the seminal article of Ruschenbusch, which threw into relief the main aspects of Jacoby's case and refined some of the claims summarised above. Like Jacoby, Ruschenbusch held that Atthidographers since Kleidemos wrote in a climate of political warfare and manipulated history to suit the claims of political factions with which they were associated. Unlike Jacoby, however, he held that the ancestral constitution did not become a political watchphrase until the middle of the fourth century, when, he supposed, a rift deepened in the assembly between those who approved of radical democracy and those who did not. On the basis of a wide range of texts dating from the classical period, Ruschenbusch sought to trace developments in the way the *πάτριος πολιτεία* was perceived in the fifth, fourth and third centuries and, in so doing, contended that the names of most famous Athenian lawgivers did not acquire propagandist potential until the mid-fourth century, precisely when, on Jacoby's dating, the first native Atthidographer, Kleidemos, published his *Atthis*.<sup>7</sup>

Ruschenbusch's argument can best be represented graphically. What follows is a chart, extracted almost without change from Ruschenbusch's article, displaying the way he understood perceptions of the *πάτριος πολιτεία* to have developed in the classical period and the effect of these developments upon literature of that age.



	Hdt.	Hell.	Isokr.	Kleid.	Theop.	Andr.	'Aθπ.	Demet.
Thes.	X	X	X	X	X	GD	GD	GD
Drak.	X	X	X	X	X	X	X	GD
Solon	X	X	GD	RD	RD	GD	G/RD	GD
Kleis.	D	D	GD			GD	G/RD	GD
Arist.						RD	G/RD	GD
Eph.			RD			RD	RD	GD

On the horizontal axis are listed in chronological order the most important historians from the middle of the fifth century to the end of the fourth who are either known or are assumed to have made reference to the great lawgivers of Athens' past; the list begins with the *History* of Herodotos and includes the *Atthis* of Hellanikos, the *Areopagitikos* oration of Isokrates, the *Atthis* of Kleidemos, the tenth book of the *Philippika* of the historian Theopompos (also known as the treatise *On Demagogues*), the *Atthis* of Androtion, the (pseudo-)Aristotelian 'Aθπ., and the fragmentary treatise of Demetrios Phalereus, published probably in the last decade of the fourth century. On the vertical axis are listed the names of famous Athenian lawgivers who at some point made their way into the literary tradition; the lawgivers in question are Theseus, Drakon, Solon, Kleisthenes, Aristeides and Ephialtes. The symbols in the rows and columns signify either: (1) that no mention of that particular lawgiver was made – X; (2) that the author attributed to that lawgiver the establishment of the democracy – D; (3) that the author ascribed moderate democracy (*gemischte Demokratie*) to that lawgiver – GD; (4) that the author ascribed radical democracy to that lawgiver – RD; special entries (G/RD) appear in the columns under 'Aθπ., signifying that elements of both radical and moderate democracy were attributed to the lawgivers in question.

The chart implies the following interpretation of the literary evidence. In the fifth century, Athenians thought simply and unequivocally that the democracy was a legacy of Kleisthenes, who, as Herodotos states, established on his return from exile a system of government based upon *ισονομία*.<sup>8</sup> Hellanikos, though no cited fragment sheds explicit light on the lawgivers, is not quoted in connection with Solon and, as

one fragment pertaining to Mounychia may suggest, narrated events connected with the fall of the Peisistratid tyrants; thus, while disagreeing with Herodotos on details of chronology, Hellanikos will have accepted the view current in his day that democracy was a legacy of Kleisthenes.<sup>9</sup> Isokrates is the first author not only to mention Solon's name in connection with the foundation of democracy but also to attribute to both Solon and Kleisthenes a system of government altogether more conservative than the radical democracy of his own day; the publication of the *Areopagitikos* thus marks the moment at which Solon was incorporated within public Athenian ideology into the canon of Athenian *Verfassungsgebern* and at which the *πάτριος πολιτεία* became a debated theme in the assembly.<sup>10</sup> Kleidemos, writing with a democratic persuasion and in response to Isokrates' *Areopagitikos*, made Solon the author of radical democracy and minimised the democratic achievements of later lawgivers such as Ephialtes and Perikles.<sup>11</sup> Theopompos, though of a different political persuasion from Kleidemos, retained the notion that Solon was a radical democrat but used it instead as a means of aspersion.<sup>12</sup> At roughly the same time, Androtion redressed the balance by characterising Solon as a moderate democrat and ascribed the authorship of radical democracy to Ephialtes; in distinction with the *Areopagitikos* of Isokrates, however, he incorporated the belief, first in evidence in the late fourth century, that democracy came into existence with Theseus.<sup>13</sup> The Aristotelian *'Αθπ.* synthesised material from the *Atthides* of Kleidemos and Androtion and presented the constitutions of Solon, Kleisthenes and Aristeides as though they combined elements of moderate and radical democracy.<sup>14</sup> Demetrios Phalereus introduced Drakon into the canon and depicted all the lawgivers as moderates to give his own regime an aura of historical precedent.<sup>15</sup>

Ruschenbusch accepted Jacoby's doctrine that the Atthidographers distilled within their narratives perceptions of history arising from the contemporary political arena and expanded his theory to embrace all historical, philosophical and oratorical texts dating from the classical age. His analysis turned on the conviction that public ideology exerted a paramount influence upon the way literary authors, both historians orators and theorists, presented local history, and, by isolating different strands of historical perception within literary texts of the period, he tried to demonstrate that by the mid-fourth century an ideological polarisation had taken shape in the assembly, one group centred around Isokrates and Androtion believing that the democracy in its current form was not what the great lawgivers had intended, the other group centred around Kleidemos, Demosthenes, Aischines and Hypereides holding that the city's



most cherished institutions were Solon's bequest. That historiography, oratory, and political philosophy were driven and shaped by ideological tensions in the assembly is the claim on which Jacoby's own analysis of *Atthidography* had depended, and, while Ruschenbusch importantly disagreed with Jacoby on the question of when the names of the lawgivers began to acquire a propagandist potential, he endorsed the idea that trends observable among literary authors writing within historiographical, oratorical and philosophical genres either to ascribe the existing democracy to the authorship of Solon or to characterise the "Solonian constitution" as an intermediate form between oligarchy and democracy reflect a broader climate of ideological warfare, in which all historical, oratorical, and philosophical literature of the age was intimately rooted.

The remainder of this chapter will examine the authors on Ruschenbusch's list and, in each case, ask two questions: (1) does the author's description of the Athenian lawgiver(s) reveal a tendency to distort or slant history; and (2) if it does, is it fair to suppose that historical distortion is the result of the author's affiliation to a faction or group within Athens that propounded idiosyncratic views of history to suit its own political ends? The relevant texts are in most instances too fragmentary to permit a definitive answer. Yet two authors, Herodotos and Isokrates, offer vital material for study, for careful examination of their evidence suggests, contrary to the claims of Jacoby and Ruschenbusch, that their historical presentations do *not* reflect a climate of ideological polemic in the assembly in which the basic facts of Athenian history were debated. Herodotos, for his part, rejected outright ideas prevalent in his day as to the birth of the democracy, and his text, though itself deeply tendentious, reflects a rift not in the way the Athenian public of his day re-constructed history so much as between Athenian public belief *in its entirety* on the one hand and Herodotos' own view of the birth of democracy at Athens on the other. Isokrates, though arguing in a partisan fashion that the Areiopagos be manned by a prudential elite, implies not a background in which the bare "facts" of history were contested but rather a broad body of consensus, reflected also in late fourth-century decrees, that the Areiopagos had been imbued by the lawgivers with extensive powers and an acknowledgment on the part of his readership that Athens had once selected her magistrates by election. By challenging the modern assumption that the *πάτριος πολιτεία* was a debated issue in the Athenian assembly, we can further question the claim that the *Atthides*, in virtue of the climate in which they were written, were designed to embody in literary form historical conceptions originating in the contemporary political arena.



### 3.3. Solon and Kleisthenes in fifth-century historiography: Herodotos and Hellanikos.

Jacoby's claim that local historical writing at Athens belonged to a broader climate in which history was adduced by rival factions and "parties" to bolster their political stature stems from the conviction that the first literary presentation of local Athenian history on record, the so-called "Athenian chapters" of Herodotos' *History*, reflects a background in which the facts surrounding the establishment of democracy at Athens were contested among active political groups, identified by Jacoby as the allies and opponents of the Alkmaionid family.<sup>16</sup> Though certain aspects of his approach have been called into question, the essential doctrine remains that literary accounts were shaped and moulded by debates in the public sphere and that, where texts disagree with one another, disagreement among literary authors is itself a sign that the themes on which they disagree were matters of public debate at the time they were written.<sup>17</sup> As stated earlier, approaches of this kind tend to place the cart before the horse. In the case of Herodotos, though it is clear from independent evidence that Athenians in the fifth century did in general embrace the belief that freedom from tyranny was the legacy of two members of the noble family of the Gephyraioi (see below, pp.68-9), by no means is it obvious that Herodotos in polemicising against this belief *ipso facto* endorsed claims of a narrow circle of Athenians with a vested interest in downplaying the Gephyraioi as the architects of Athenian liberty. What needs to be proved is that a counter-tradition existed to the effect that freedom was a legacy not of the Gephyraioi but of the Alkmaionidai and that this counter-tradition wielded a defining influence upon Herodotos' presentation of the establishment of political freedom at Athens.

The aim of this section is to evaluate the claim that local historical writing in the fifth century began as a means through which conflicting perceptions of history originating among the body politic could find permanent expression or, to put it in different terms, that local historical writing at Athens was from its very inception an instrument of party politics. Herodotos is the first author on record whose account of the establishment of democracy survives in any completeness, and for this reason his text played a central role in Jacoby's analysis of the origins of local historical writing at Athens. In the case of Hellanikos, meanwhile, investigation is limited by a dearth of hard evidence, and the notion that he construed Athenian history with a political emphasis different to that of Herodotos stems from the idea that Thucydides, who reiterates the fundamental historical tenets of Herodotos' account, wrote in response to Hellanikos' *Atthis*. Though Hellanikos will be addressed, the ensuing discussion will



focus on the Athenian portions of Herodotos' *History* and question, first, whether his treatment of sensitive historical themes such as the overthrow of the Peisistratidai is slanted and, second, whether value judgments detectable in the narrative reflect a background of polemic within the political arena in which Herodotos' treatment of Athenian history found its wider purpose and context. Discussion of these issues will lay a theoretical foundation for further discussion of *Tendenz* in Attidography, for, if it can be shown that literary re-constructions of history bore an indirect relationship to the way in which history was perceived by an historian's contemporaries, the idea that historical writing was conditioned by the perceptions of a contemporary public and that slants in literary accounts reflects polemic in the public sphere needs re-appraisal.

In the course of his *History*, Herodotos treats two Athenian lawgivers, Solon and Kleisthenes. His first mention of Solon occurs near the outset of Book I, when, in the background of an anecdote concerning a visit to Kroisos, he states that Solon gave Athens laws (νόμοι).<sup>18</sup> Later in Book V, he tells the events leading to the liberation of Athens from the Peisistratidai and states that the institution of ἰσονομία ("equality of share") was the bequest not of Harmodios and Aristogeiton but of the Alkmaionid Kleisthenes, who, as we know from other places in the text, was Perikles' maternal grandfather.<sup>19</sup> Since it is assumed that his description of the lawgivers conformed to the perceptions of his contemporaries at Athens, Herodotos' description of Solon and Kleisthenes has been a vital source from which scholars have tried to re-construct fifth-century perceptions of history. On the strength of his statement that Solon gave Athens her laws, scholars have thus imputed to fifth-century Athenians the belief that their main body of private law came down from a man named Solon; similarly, on the strength of his statement that Kleisthenes gave Athens ἰσονομία, scholars have thought that in the fifth-century mindset democracy was a Kleisthenic creation that came about with the end of the Peisistratid tyranny.<sup>20</sup> This scholarly re-construction is reflected in Ruschenbusch's chart: the column under Herodotos has four entries, the first three of which have an X beside the names of Theseus, Drakon and Solon and the fourth a D beside the name of Kleisthenes; these symbols indicate that in fifth-century conception the first man at Athens to bequeath democracy was Kleisthenes.

We begin with the account of Solon. Herodotos, as Jacoby and Ruschenbusch noted, does not indicate that Solon instituted democracy.<sup>21</sup> Though he does state that he gave laws, two considerations suggest that Herodotos does *not* envisage Solon to have instituted a πολιτεία or any set of precepts circumscribing the authority of the



different organs of government. First, ἰσονομία is said to have been an achievement of Kleisthenes: while Solon may have given laws binding together the community, the principle of equal share in government is for Herodotos a Kleisthenic innovation; nothing in the narrative connects Solon with the institution of democracy, and the fourth-century Aristotelian idea that he bequeathed Athens a πολιτεία is foreign to Herodotos' mode of thinking.<sup>22</sup> The second consideration lies in the nature of early Greek law and what a fifth-century author might have meant when describing an historical figure like Solon as a lawgiver. Epigraphic and literary testimony suggests that early compilations of law throughout the Greek cities did not comprise elements of what we might term "constitutional" law; instead, they laid out regular procedures ensuring that internal disputes within the community be resolved peacefully.<sup>23</sup> Herodotos' remark that Solon gave νόμοι need not, in light of what was understood in the fifth century by "νόμοι", imply that he instituted democracy or any other form of government. On the contrary, if read without the hindsight of fourth-century political treatises such as Ἀθ. and the *Politics*, the implication is that Solon set down rules for peaceful settlement of internal conflict but not that he created popular sovereignty or governmental organs through which popular sovereignty could find expression.<sup>24</sup>

The specific question at hand is whether Herodotos' conception of Solon was moulded by perceptions of contemporary Athenians and whether, in a more global sense, his presentation of local history reflected the beliefs of his contemporaries. One piece of independent testimony suggests that, at least with respect to the lawgiver Solon, Herodotos *was* influenced in a decisive way by contemporary perceptions. This testimony consists in a decree quoted by Andokides carried in 403 on the motion of a certain Teisamenos proposing that the Athenians under the restored democracy πολιτεύεσθαι.....κατὰ τὰ πάτρια, νόμοις δὲ χρῆσθαι τοῖς Σόλωνος, κτλ.<sup>25</sup> As Ruschenbusch noted, the significance of this clause lies in its wording, for, rather than subordinating the injunction to observe the laws of Solon to the previous clause, it strings together precepts in a paratactic fashion, suggesting thereby that observation of Solon's laws was at the time of the passage of the decree conceptually distinct from the practice of the ancestral constitution.<sup>26</sup> Teisamenos' decree implies that Athenians in the fifth century did *not* regard Solon's laws as the statutory underpinning of the πάτριος πολιτεία; until the end of the Peloponnesian War they perceived Solon to be the author not of the πάτριος πολιτεία but of Athens' civil and sacred law.<sup>27</sup> If so, it



seems reasonable to concur with Ruschenbusch that Athenians until the fourth century did not associate the name of Solon with democracy; Solon in fifth-century ideology was, along with Drakon, regarded primarily as the author of Athens' *Privatrecht*, and, though the decree of Teisamenos does not name the author of the *πάτριος πολιτεία*, we know from another important source to be discussed shortly that fifth-century Athenians held that democracy was in essence the creation of Kleisthenes.<sup>28</sup>

The case of Solon in the text of Herodotos is perhaps less interesting for the purposes of our discussion, since Herodotos' description of him as the author of νόμοι seems in light of fifth-century Athenian belief to have few controversial implications. More engaging is his treatment of Kleisthenes, which is sharply polemical in tone and portrays events connected with the liberation of Athens in a way that visibly militates against the historical notions of the vast majority of the Athenians of his generation. Herodotos' account of the expulsion of the tyrants finds its context in a digression in Book V, which describes in detail the sequence of events that led to the downfall of the last Athenian tyrant Hippias and the institution of democracy under Kleisthenes. The Alkmaionid family, of which Kleisthenes was himself a member, had been living in exile in consequence of a feud that had taken place a generation earlier between Peisistratos and Megakles, the husband of Peisistratos' daughter. Not long after the assassination of one of Peisistratos' sons, Hipparchos, at the hands of Harmodios and Aristogeiton, a band of exiles under Kleisthenes' leadership attacked a Peisistratid stronghold at Leipsydrion, where the forces of Hippias crushed them. Once it became clear to the Alkmaionidai that the only way of beating the remnants of the Peisistratidai and re-gaining their own political stature was by enlisting the support of Sparta, Kleisthenes bribed the oracle at Delphi through lavish expenditure on the shrine of Apollo and through the medium of the oracle prevailed on the Spartan king Kleomenes to lead a force against Hippias. Hippias as a result of this intrigue was driven out by Kleomenes, and Athens was left in the hands of two aristocratic rivals, Kleisthenes and Isagoras. After getting the worst of it at the hands of his opponent, Kleisthenes won the support of the people by devising the rubric of a new democratic system. Democracy, on the very implication of Herodotos' account, was achieved not through the deed of Harmodios and Aristogeiton but through the twists and turns of aristocratic politics and, ultimately, through Kleisthenes' personal ambition.<sup>29</sup>

The polemical tone of Herodotos' digression on Kleisthenes is striking, for, unlike the brief allusion to Solon in Book I, his account of the achievement of a major



Athenian historical personality is fraught with value judgment and runs in opposition to the historical perceptions and beliefs of his contemporaries, namely that Athenian liberty was brought about by the tyrannicides.<sup>30</sup> Jacoby explained this phenomenon by recourse to the hypothesis that Athens at the time of Herodotos knew *two* accounts of the fall of the tyrants, one that ascribed their demise to the slayers of Hipparchos, the other to the family of Perikles. The assumption behind his analysis was that each of these two hypothetical accounts in public circulation was tainted with political interest and in line with its political affiliations saw the founder of the democracy to be either Kleisthenes or the tyrannicides. Herodotos, he argued, produced the pro-Alkmaionid version, which downplayed the tyrannicides and decorated Kleisthenes as the author of Athens' liberty; the anti-Alkmaionid version, meanwhile, will have been recorded by Hellanikos, who published his *Atthis* shortly before the publication of Thucydides' *History* and who, given that Thucydides re-iterates the views of Herodotos, must have characterised the tyrannicides as the cause of the Peisistratid downfall.<sup>31</sup> The claim that Herodotos embodied within his narrative one branch of local tradition had wider consequences within Jacoby's treatment of local historiography, for it implied that historians wrote history from the point of view of contemporary political factions and that *Tendenz* in literary accounts could be traced back to a climate of dispute in the contemporary political arena. If correct, the Herodotean account of the liberation can be regarded as nothing but an Alkmaionid account dressed in literary guise; similarly, authors (e.g. Hellanikos) who stated that freedom was the achievement and legacy of the tyrannicides produced a version that originated with factions hostile to Perikles.<sup>32</sup>

While Jacoby's analysis of Herodotos' text and the undercurrent of historical wrangling that he imputed to it has come under increasing scrutiny in recent years, the fundamental assumption nevertheless remains that the account of the expulsion of the Peisistratidai expressed by Herodotos reflects a climate of historical dispute waged by Herodotos' contemporaries. A refinement of the position was given by C.W.Fornara, who like Jacoby saw Herodotos' account as a repository of Alkmaionid family history but at the same time did not accept Jacoby's extreme view that commemoration of the tyrannicides in Athenian popular tradition possessed an anti-Alkmaionid undertone. Fornara postulated that Harmodios and Aristogeiton were originally commemorated not as liberators but as exemplars of noble self-sacrifice and that a generation later, when precise recollections of events had receded, the fiction emerged that the slayers of Hipparchos had brought about the democracy, with the result that an honorary cult



was inaugurated in their memory.<sup>33</sup> By the mid fifth century, he argued, memories of events connected with the expulsion of Hippias will have been preserved only by the descendants of those who had actively contributed to his overthrow, most notably the Alkmaionidai. It was they, he maintained, who contested the common misconception that the liberation came about through the assassination of Hipparchos and they alone who will have impressed their accounts on travelling historians and researchers like Herodotos. Fornara's analysis, though differing on the important question of whether commemoration of the tyrannicides in popular tradition had political connotations, nonetheless operates on the same basic assumption that Herodotos' text is politically partisan and partisan precisely because of its debt to a politically interested source.<sup>34</sup>

R. Thomas recently has taken a more sophisticated approach to the question by suggesting that the bone of public contention in Herodotos' time was not whether the tyranny ended with the death of Hipparchos or with the expulsion of Hippias – it was in fact generally acknowledged, she holds, that the tyranny ended with the return of Kleisthenes from exile – but the extent to which Athens won liberty for herself and, on a more internal level, the credit which individual Athenian families could claim for their contributions at Leipsydion.<sup>35</sup> In the fifth century the overriding perception was that the overthrow of the Peisistratidai was a victory for the δῆμος, and families will thus have amplified as much as possible the contributions of their ancestors toward achieving this victory. The failed campaign at Leipsydion and the siege of Hippias on the Akropolis will not have been forgotten while it provided noble families the chance to flaunt their services to the creation of democracy; the slaying of Hipparchos characterised for fifth-century Athenians the ideal of resilience and fortitude against tyranny but did not cancel out the more important memory of what took place subsequently. Thomas' analysis rests upon a tidy conceptual distinction between city traditions and family traditions: the city tradition in this case was the tradition that the Athenian δῆμος was responsible for driving out the tyrants, while different family traditions magnified the role of each of their ancestors in achieving this objective. If correct, it is mistaken to imagine that city tradition, which, she assumes, found expression in Herodotos' text, was in any sense incompatible with Alkmaionid family tradition. Rather, city and family traditions dovetail in the narrative, and, though the Alkmaionid tradition might well have incorporated elements downplayed by most Athenians, such as the role of Sparta and Kleomenes, by no means need it have been



incompatible with Athenian tradition; rather, city and family traditions interlocked with one another and to an important degree were mutually re-enforcing.<sup>36</sup>

Each of these arguments differs with the others on important details, but all are united in the presupposition that literary accounts of history owe their origins to oral versions preserved among politically interested families, parties and factions. Hence, whether we accept with Jacoby that Athenian tradition separated into two strands, one pro- the other anti-Alkmaionid, or with Fornara that one strand within the tradition alone was politically motivated, or with Thomas that the version given by Herodotos was not opposed to the broader thread of contemporary Athenian belief, the same basic assumption underlies all the arguments summarised above, namely *that literary presentations of history are governed by the historical perceptions of the historian's contemporaries and therefore that polemical tendencies within historiography, where evident, can be traced back to a culture in which history was used by politicians and public figures to credit the factions and "parties" to which they belonged.* This basic doctrine, on which every modern analysis of Herodotos hitherto has depended, is just what stands in needs of proof. To be sure, Herodotos stresses the achievements of the Alkmaionidai in ridding Athens of her tyrants and dismisses in slightly sardonic tones the supposition that Harmodios and Aristogeiton made any productive contribution to Athens' liberty.<sup>37</sup> To recognise this does not, however, necessitate the conclusion that Herodotos' contemporaries themselves debated whether it was the Alkmaionidai or the tyrannicides who brought freedom, much less that Herodotos was giving vent to a "pro-Alkmaionid" tradition that downplayed the tyrannicides as authors of liberty.<sup>38</sup> The point of the digression in Book V is, in spite of much modern supposition to the contrary, not to resolve some ongoing historical dispute within the political arena but, more simply, to discredit a popular myth that claimed the tyrannicides as architects of Athenian liberty and, against all the tenets of popular ideology, to portray *ισονομία* as the legacy not of heroic self-sacrifice but of selfish political intrigue.<sup>39</sup>

Essential to modern analyses of Herodotos is the assumption that Herodotos' contemporaries debated the facts surrounding the demise of the Peisistratid tyranny. Thus, it is argued, Herodotos' account of the episode bears a direct relationship to a tradition in public circulation that came to him from an oral source. This chain of reasoning entails a fatal flaw. Importantly, it assumes on principle that *Tendenz* in literature can be traced back to a climate of historical debate among the historian's contemporaries. If the evidence for the way in which Athenians perceived the fall of



the tyranny is scrutinised without this theoretical preconception, the notion that public perceptions of history in the fifth century divided into several self-contained traditions falls into question. Athenians, to be sure, may have had vague recollections of what took place a century earlier, and, as will be seen, late fifth-century perceptions of the end of the tyranny entailed some important internal contradictions.<sup>40</sup> Yet to recognise this is a far cry from holding that at the time of Herodotos various political groupings in Athens entertained entirely different and mutually exclusive conceptions of history. The evidence taken on its own merits indicates that Athenians of all backgrounds and political stripes subscribed to the view that liberty was a bequest of Harmodios and Aristogeiton but at one and the same time remembered events subsequent to the assassination of Hipparchos and acknowledged, though without reflecting on the real historical implications, that Sparta had played an active role in the expulsion of the last tyrant, Hippias. Recollections of history, albeit internally discrepant and illogical, do not appear to have divided down neat political lines, and it was the historians themselves who, when confronted with the confused and tangled popular traditions, highlighted their logical flaws. If the assumption that Herodotos' polemic against popular misconceptions of history reflects a background of ongoing debate in the contemporary political arena is removed, there is little good reason to suppose that the majority of Athenians in the fifth century were even aware that the tradition of the tyrannicides as the architects of their liberty was in any proper sense incompatible with the known fact that Kleisthenes was the architect of the democracy.

Independent evidence indeed suggests that Athenians of the fifth century held two fundamental beliefs, which, as it were, co-existed without any awareness on the part of Athenians of that time that logically and historically they were incompatible. The first of these was that the Athenian tyranny came to an end through Harmodios and Aristogeiton, the slayers of Hipparchos; the second was that the legal apparatus of democracy was masterminded by Kleisthenes, who divided the body politic into ten artificial tribes, each of which possessed equal share in the government of the city. The clearest manifestation of the first belief is supplied by a drinking-song cited by the antiquarian Athenaios, honouring Harmodios for making Athens *ἰσονόμους*.<sup>41</sup> The drinking-song provides sufficient evidence that Athenians of the fifth century perceived the tyrannicides as having brought about freedom. Less explicit but highly significant evidence is supplied by a public inscription dating from the 440s or 430s bestowing privileges upon the family of Harmodios and Aristogeiton and by the



remnants of statue-bases of sculptures of the tyrannicides manufactured by Kritias and Nesiotes in the first quarter of the fifth century.<sup>42</sup> Taken together with the statements of Thucydides that Athenians were generally mistaken on the question of the relative ages of the sons of Peisistratos and that Hipparchos was not, in spite of what generally was thought, the reigning tyrant when assassinated, the overwhelming indication provided by the fifth-century testimonia is that Herodotos' contemporaries ascribed to the tyrannicides a pivotal role in the liberation of Athens.<sup>43</sup> That Athenians at one and the same time entertained the belief that Kleisthenes had supplied the legal rubric of the democracy is clear from the evidence supplied by a decree carried in 411 on the motion of a certain Pythodoros and cited by the author of 'Αθπ.: after ten commissioners had been voted in to draft measures for the welfare of the state, a rider was inserted by one Kleitophon enjoining that the ten be augmented by a further twenty and that the augmented panel seek out the ancestral laws given by Kleisthenes "when he founded the democracy".<sup>44</sup> Kleitophon's rider, which has been taken by scholars in the past to represent one side of a debate over the nature of the *πάτριος πολιτεία*, expresses the *collective* belief that Kleisthenes was the architect of democracy.<sup>45</sup> The fact that Athenians could honour the tyrannicides as the authors of liberty and simultaneously refer to Kleisthenes' laws as the statutory underpinning of the democracy suggests that the two claims were considered by the public not to be incompatible but rather complementary: while the tyrannicides were credited with the destruction of the old regime, Kleisthenes was credited with the creation of the new.

The evidence for the way in which Athenians of the fifth century construed history suggests that they did not engage in serious disputes over the historical facts connected with the establishment of democracy at the end of the sixth century. As far as the majority was concerned, the tyranny ended with the death of Hipparchos, and the legal framework of democracy was devised shortly afterwards by Kleisthenes. As Thucydides attests, Athenians were aware that Sparta had played an important role in the expulsion of the Peisistratidai, but he also implies that they had not rationalised or sorted out in their minds the historical implications of this fact nor applied it to the question of whether the tyrannicides could truly be regarded as the authors of Athens' liberty.<sup>46</sup> These were questions to be addressed by intelligent critics like Herodotos and Thucydides, both of whose accounts show, if nothing else, an aversion to the tenets of Athenian popular belief and a desire to subvert what was commonly believed in their own day concerning an episode commemorated in cult. Herodotos' digression



on the establishment of democracy at Athens is explicable *if* it is assumed not that the events he describes were debated by Athenians at the time but, on the contrary, that his contemporaries were united in the general conviction that the tyrannicides brought about freedom and that, in seeking to subvert this belief, Herodotos emphasised the greater importance of events subsequent to the death of Hipparchos. If the claim that Athenian freedom was the legacy not of internal revolution but of external circumstances engineered by the Alkmaionidai implies a judgment of value, as indeed it does, the evaluative slant with which Herodotos tells the episode is the product not of pro-Alkmaionid propaganda but of the simple fact that Herodotos, as a non-Athenian and as one who thus had no sentimental attachment to a popular myth, felt no need to uphold the belief that the tyrannicides were the cause of Athens' freedom. Rather, he seeks to characterise the turn of events as an accident of history, which, like other revolutions propelled by treachery, spelled ultimate doom and destruction.

Let us explore this suggestion further. If we believe that Herodotos' account of the Athenian liberation is merely an attempt to embody in literary form an account that had been imparted to him by an Alkmaionid source, we are left to explain why, if read with close attention to its full range of implications, the narrative paints a system ascribed by Athenians to an institutional hatred of tyranny effectively as nothing other than an illegitimate offspring of a would-be tyrant, who first bribed the Delphic oracle in the hope of re-establishing his own political position and later, when discovering that he could not get the better of his rival Isagoras, effectively bribed the Athenian people by creating *ἰσονομία*.<sup>47</sup> Contrary to most modern assumptions, the tone of the narrative is anything but friendly to Kleisthenes or the Alkmaionidai.<sup>48</sup> If nothing else, it portrays the chief architect of Athens' political institutions as a dirty, self-interested aspirant to supremacy, who used every crooked method to achieve his objectives and, when all else failed, re-organised the tribal structure of the state in the tradition of his grandfather, Kleisthenes tyrant of Sikyon.<sup>49</sup> The historical parallel drawn between Kleisthenes' legislation and that of his namesake cannot itself be accidental, for one of the aims of the narrative is to cast Kleisthenes as coming from a line of tyrannical legislators and whose driving motive throughout the struggle against Hippias and later Isagoras is to achieve pre-eminence for himself and for his family. The genuine aim of Herodotos in the digression is not to champion the claims of the Alkmaionidai or, for that matter, of any political group within Athens *but to subvert the idea intrinsic to Athenian public ideology that those who engineered liberty were selfless opponents of*



*tyranny and embraced the ideal of equality.* This has a poignant subtext within the Herodotean narrative, for, as the passing allusion at the outset of Book VIII reveals, Herodotos regards the crusade led by Athens against Persia after the Battle of Salamis in the name of freedom from tyranny as little more than an excuse to assert her own pre-eminence in Greece; just as freedom on a local scale was achieved through self-interest, so, implies Herodotos, was freedom on the national scale achieved through Athenian ambitions for supremacy.<sup>50</sup> The creation of ἰσονομία at Athens is indeed not dissimilar to other political usurpations alluded to elsewhere in the narrative, the most memorable example being that of the Mermnadai, who came to power through deception and, precisely because of this, sowed the seeds of their own destruction.<sup>51</sup>

Herodotos' account of the end of the Peisistratidai is thus tendentious, but it is not tendentious in virtue of a debt to a politically driven body of opinion in Athens. Rather, its tendentiousness lies in the very way it departs from everything any self-respecting Athenian could ever have believed about the role of the tyrannicides in the overthrow of the Peisistratidai. There is not a shred of evidence suggesting that the Alkmaionidai or, for that matter, any family in Athens contested the honorary place of the tyrannicides as having made Athens ἰσονόμους, and in fact the prescript to the Prytaneion Decree indicates that the Alkmaionidai more than anyone else were keen to promote their cult.<sup>52</sup> That is not to say that the tradition about Kleisthenes having re-structured the internal framework of the state and having devised the statutory and constitutional framework on which the democracy functioned was an invention of Herodotos or had no place in Athenian popular tradition; the Rider of Kleitophon at any rate illustrates that Athenians acknowledged the debt of their political system to the legislation of Kleisthenes.<sup>53</sup> However, the decoration of Kleisthenes as Athens' liberator and, conversely, the view of the tyrannicides as having made no substantial contribution to the demise of the tyranny runs against the grain of what most, if not all, Athenians of his day believed, and, given the extent to which Herodotos is known to have embellished, if not in places invented, history, it is not impossible that the emphasis on Kleisthenes' role in bringing down Hippias by bribing Delphi springs not from local Athenian tradition but from the inner recesses of his creative imagination. Herodotos' contemporaries held simply and without ambiguity that the authors of liberty were Harmodios and Aristogeiton, and, though we have little reason to doubt the essential fact that there was in Athenian history a man called Kleisthenes who re-organised the Athenian body politic on the basis of a decimal tribal structure, the



decoration of Kleisthenes as liberator is, I suggest, a literary innovation on the part of Herodotos, explicable not as the product of a pro-Alkmaionid tendency but, on the contrary, as the product of the satirical manner in which he narrates the establishment of democracy at Athens and the circumstances under which it came into existence.<sup>54</sup>

Jacoby's analysis of the supposed influences underlying the text of Herodotos had a profound impact not only on the question of why the first local historian of Athens, Hellanikos, felt an impulse to write but also, and perhaps more importantly, on the question of his sources. If, as Jacoby held, Herodotos' text was coloured by a strong party bias and relied on information imparted by the faction of Perikles, the only logical implication is that the next comprehensive attempt to relate Athenian history must have been written from an opposite viewpoint and drawn its material from sources hostile to those on which Herodotos had relied. Local historiography on Jacoby's analysis from the time of Herodotos onward was bred in a culture of internal political war, and the chief purpose of each successive historian of Athens was to rival his predecessor by presenting history from a different standpoint; thus, Hellanikos will have been the first author to narrate the fall of the Peisistratidai in line with the belief that freedom was brought about by Harmodios and Aristogeiton. The evidence adduced by Jacoby in support of his argument was, as mentioned earlier, the text of Thucydides, who, like Herodotos, digressed on the events surrounding the Athenian liberation and re-affirmed the opinion of Herodotos that Harmodios and Aristogeiton did not further the cause of liberty but aggravated Peisistratid rule. The re-affirmation of Herodotos' judgment can, Jacoby held, only imply that between the publications of Herodotos' and Thucydides' *Histories* a third literary account had come into currency upholding the traditional Athenian view that the tyranny ended when Hipparchos was slain; this account he identified with the *Atthis* of Hellanikos, which, as the allusion in Book I implies, had seen the light of day before the publication of his own *History*.<sup>55</sup>

The notion that Hellanikos had touched upon the liberation at all, much less taken an "anti-Alkmaionid" stance in so doing, rests upon complex *Quellenforschung* connected with the non-Herodotean elements in the narrative of 'Αθπ.<sup>56</sup> The concern here is the modern claim that Thucydides, in arriving at similar historical conclusions to those at which Herodotos before him had arrived, *ipso facto* wrote in response to a more recent text that had upheld the popular claim that Harmodios and Aristogeiton were the authors of the Peisistratid demise. The claim that Hellanikos narrated the episode with contrasting implications to those of Herodotos' narrative stems from the



doctrine that ancient historiography was in nature combative and that each successive literary treatment of the liberation will as a matter of course have taken a different stance from its predecessor. The view of historiography as combative may well be correct, in the sense that the desire to improve and supersede works of predecessors is an observable phenomenon throughout historiography, but, even if that assessment is valid, it is in no way obvious that Thucydides' intention in Book VI is to polemicise against an earlier literary text that had embodied within its narrative the claim that the tyranny ended with the death of Hipparchos.<sup>57</sup> To be sure, Thucydides arrives at the same conclusion as Herodotos that the tyrannicides could not have brought about an end to the Peisistratidai, and, as Jacoby himself observed, Herodotos' polemic against popular misconceptions of history is here revived. Nevertheless, Jacoby was wrong to suppose that Thucydides, in rivalling a predecessor, framed his rivalry in substantive terms. The object of emulation is not historical substance so much as methodology: Thucydides, though re-iterating Herodotos' judgment that the tyrannicides could not have been liberators, deploys a mode of analysis altogether foreign to Herodotos, who frames the question in terms of who should take credit for the destruction of the Peisistratid regime; Thucydides focuses on the more "objective" question of who was the eldest of Peisistratos' three sons and who, having acceded to the tyranny after the death of his father, was tyrant at the time of Hipparchos' assassination. The point of Thucydides' analysis is precisely that the historical question can be disentangled on purely "scientific" grounds, without recourse to a value-laden λόγος. Hence, we need not introduce the *Atthis* of Hellanikos, or any hypothetical work prior to Thucydides' *History*, into the equation when seeking to explain why Thucydides discusses a theme treated already in historiography; his digression is comprehensible if we consider his methods of argumentation *and the implicit rivalry thereby with Herodotos*.

If correct, this analysis demands a re-appraisal of the view that historiography can be regarded, as scholars in the past have been accustomed, as a means through which contemporary perceptions of history could find their voice in literary texts and, more specifically, through which politically slanted accounts of history arising from out of the public sphere could find a more permanent expression. Herodotos, the first author on record to treat local Athenian history in any detail, exemplifies a principle observable again and again down to the time of Philochoros that literary presentations of history move within a sphere of their own and often bear little resemblance to the way history is construed by the public. Every literary treatment of the liberation from



Herodotos to Philochoros endorses the view that freedom came *after* the assassination of Hipparchos, and there is not a source until the Parian Marble that synchronises the deed of Harmodios with the fall of the Athenian tyranny.<sup>58</sup> The suggestion that public perceptions wielded a defining influence on literary presentations of history is belied by the one salient case where literary narratives can be measured against independent evidence for popular belief. As will be seen presently, ordinary Athenians of the late classical age entertained ill-defined perceptions of their history and, while generally consenting that democracy was desirable and a bequest of Solon, at the same time tacitly acknowledged that democracy had undergone a long process of evolution; contestation, furthermore, among literary authors over the nature of the *πάτριος πολιτεία* cannot be seen as the function of a polemic in the contemporary political arena as to whether or not democracy was desirable and had the sanction of the great lawgivers. The text of Herodotos at any rate illustrates that *Tendenz* in historiography need not be explained in terms of authorial allegiance to one body of contemporary political opinion or another. This same principle is illustrated in fourth-century texts, whose tendentious shaping of history is, in spite of much modern assumption to the contrary, usually disengaged from politics and can be analysed on internal criteria.

In summary, Jacoby's claim that local historiography at Athens sprung from a climate of debate within the political arena is misleading. The earliest comprehensive treatment of local Athenian history - the so-called "Athenian chapters" of Herodotos' *History* - did not owe its *raison d'être* to pro-Alkmaionid tradition, or, for that matter, to any politically orientated tradition in public circulation. Athenians of the fifth century believed quite simply that their liberty came about with the assassination of Hipparchos. This belief did not cancel out memories of what happened subsequently, even though, as both Herodotos and Thucydides complained, any recognition that the tyranny did not come to an end until the intervention of Sparta should logically preclude sentimental belief in the tyrannicides as the authors of political freedom at Athens. The crucial point is that popular tradition contained inconsistencies, which, though not immediately apparent to the average thinker, were manifest to intelligent thinkers like Herodotos and Thucydides and needed to be straightened out by those aiming to compile literary narratives of history. The differences in emphasis placed by literary authors in their historical narratives must therefore be measured on their own terms, not in terms of political allegiance to any one body of opinion in Athens.



### 3.4. Solon and Kleisthenes in fourth-century perception (I): The political arena.

Examination of the “Athenian chapters” of Herodotos’ *History* has yielded valuable conclusions concerning the relationship between literary presentations of history and the way in which the Athenian public perceived the past. Herodotos, the first author on record to have treated the early history of Athens in any considerable detail, drew his raw subject matter from oral sources and shaped what he gathered from his local Athenian informants into a coherent and internally consistent narrative. Nevertheless, the final product was anything but an unpolished oral account enshrined in literature. Independent data reveal that the historical preconceptions of the contemporary public were far from cogent or well formulated, and the observable fact that Athenians could at one and the same time ascribe their democracy to the tyrannicides, Harmodios and Aristogeiton, yet acknowledge Kleisthenes as its true author indicates that perceptions of history were vague, jumbled and contained conflicting strands that could stand out in differing degrees of emphasis, as need dictated. Historians, when confronted with this morass of inchoate tradition, sifted through its various layers and produced their own accounts, which, while dependent at a very basic level on oral narratives, implied a laborious process of re-formulation, re-calibration and scrupulous extraction of the most reliable details of what had been imparted to them by their informants. Thus, it would be mistaken to envisage the existence of two self-contained streams of opinion at Athens regarding the processes by which democracy came into being, one crediting the tyrannicides with the overthrow of the Peisistratid tyranny, the other Kleisthenes and his partisans. Herodotos’ account, while emphasising the historical importance of events subsequent to Hipparchos’ assassination and by logical implication minimising the significance of the tyrannicides, does not *ipso facto* regurgitate a pro-Alkmaionid account, or, for that matter, a version of history that gave any special credit to any one political group in Athens. Rather, he seeks to show that Athenian tradition laid undue emphasis on the contribution of two local heroes to the creation of political freedom and, if nothing else, throws into relief the nastier and more unpleasant circumstances under which Athens rid herself of tyranny and acquired her esteemed democracy.

The following two sections examine the relationship between presentations of history in fourth-century political and philosophical treatises and the manner in which the Athenian public construed the development of the democracy. Incorporating the conclusions of the foregoing section, they argue that literary accounts, while bearing an indirect relationship to the historical and ideological tenets of the public, were



constructed in a broadly “autonomous” fashion and that disagreement among different authors on this or that aspect of Athenian history need not be seen as the function of ongoing debate in the contemporary political arena. As with fifth-century perceptions of the demise of the Peisistratidai, fourth-century historical perceptions were anything but internally consistent, and Athenians, while acknowledging Solon as author of the system they both enjoyed and respected, at one and the same time recognised that the democracy as it stood in their own day had not come into being at a single moment in history nor under the auspices of one lawgiver. As context dictated, they could talk of Solon both as the author of democracy and as the architect of a more “restrained” form of government in which control over affairs resided with institutions such as the Areiopagos. As with the fifth century, it is wrong to imagine that public perceptions of the *πάτριος πολιτεία* in the fourth century divided into several neat self-contained streams, each entertained by distinctive political factions and groups with discernible ideological convictions. Rather, the way in which the fourth-century public perceived the history of the Athenian constitution was vague, ill-defined, and embraced various strands and elements, which, when placed under close scrutiny, could be shown to be logically incompatible. Hence, when historians and political theorists re-constructed history, seldom were their accounts shaped by self-contained rival traditions emerging from the assembly. Disputes among literary authors on specific aspects of history must be measured on their own merits, not in terms of a supposed allegiance to different traditions of thinking that arose from the fourth-century political arena.

The aim of this section is to re-construct from laws and decrees and from the speeches of the fourth-century orators historical perceptions of Solon and Kleisthenes. In contrast with prevailing opinion, it maintains that the *πάτριος πολιτεία* was not a bone of public contention during the classical period, at least not in the way modern scholars have envisaged. Whereas scholars in the past have been keen to postulate the existence of two traditions, one “democratic”, which held the democracy of the fourth century to have been the bequest of Solon, the other “conservative”, which saw Solon and Kleisthenes as having authorised less democratic styles of government than that in existence in the fourth century, the evidence suggests that the fourth-century belief in Solon as the author of democracy did not preclude simultaneous recognition that certain institutions such as the Areiopagos had at one time possessed greater sway in administration. Just as Athenians of the fifth century could at one and the same time regard Kleisthenes and the tyrannicides as the authors of liberty, so could Athenians



of the fourth century regard Solon as the architect of their democracy but, when need arose, acknowledge the historical fact that the constitution had not always taken in its present state. The model envisaged here is not of two conflicting bodies of opinion held by separate portions of the body politic but rather of a single - largely democratic - tradition that held democracy in high esteem and saw it as the bequest of Solon but which was, so to speak, rough round the edges and, when held under the microscope of a political theorist, could be seen to contain serious historical inconsistencies.

It is perhaps best to begin with the tumultuous events of the late fifth century that led to the establishment of two oligarchic regimes, the Four Hundred and Five Thousand of 411 and the Thirty of 404/3. Scholars since Jacoby have generally held that these events resulted in various conflicting accounts of the ancestral constitution (*πάτριος πολιτεία*), each finding expression in propagandist pamphlets dating from the end of the Peloponnesian War and wielding a decisive influence upon the oratory, historiography and political theory of the following century.<sup>59</sup> It was at this time, on Jacoby's re-construction, that political discourse shifted from the question of who was responsible for the creation of democracy at the end of the tyranny and divided down steeper ideological lines, critics of democracy maintaining that the genuine ancestral constitution of Athens was not democratic at all, supporters for their part maintaining that Athens was indeed democratic by the behest of her great lawgivers. This debate, so Jacoby argued, was continued in milder form down into the fourth century; though few, he acknowledged, would in light of the horrors that accompanied the oligarchic regimes of the late fifth century have given endorsement to oligarchy pure and simple, there would nevertheless have remained in Athens a substantial body of opinion that disapproved of radical democracy and sought to redress the balance by proposing a regime that was democratic in its outward features but in which power and influence nevertheless resided with a wealthy and educated elite. That model, it will be argued, is simplistic and underestimates the complexities inherent in Athenian public ideology and political rhetoric. While partisans of oligarchy may have entertained theoretical objections to democracy and expressed them in political pamphlets – that, at any rate, can be seen from the fact that the leader of the Thirty was Kritias, a well-established critic of democracy – it is far from clear that such objections assumed the form of an historical debate, in which critics of democracy sought to discredit the popular belief that Athens was by custom a democracy. Closer examination of the ancient evidence suggests, on the contrary, that Athenians of the late fifth century, regardless of their



political convictions and allegiances, recognised the democracy in existence down to 411 as the bequest of the lawgiver Kleisthenes and, whether for better or for worse, recognised the ancestral constitution to be democratic. Insofar as the oligarchs of the fifth century needed to justify themselves on ideological grounds, their propaganda framed itself not in historical terms – *i.e.* “Was Athens by tradition a democracy?” – but in terms of whether democracy was workable and served the city’s best interests.<sup>60</sup>

The events of 411 can be re-constructed from two sources, the eighth book of Thucydides’ *History* and three chapters from the historical portion of ’Αθπ.<sup>61</sup> Of the two, ’Αθπ. gives the greater impression that the Four Hundred depicted the πάτριος πολιτεία as a more conservative dispensation than the democracy in existence since 462/1. In support, it cites the Rider of Kleitophon, which supplemented the existing commissioners appointed on the motion of Pythodoros and instructed the expanded board to seek out the ancestral laws of Kleisthenes, explaining this as an attempt on the part of the oligarchic sympathisers to highlight the proximity of the constitution of Kleisthenes to the more oligarchic constitution of Solon.<sup>62</sup> Scholars have often placed credence in the interpretation of this decree provided by ’Αθπ., even though on careful inspection ’Αθπ. seems to misconstrue its true significance.<sup>63</sup> While the names of the lawgivers may have been subject to manipulation, it is all the same hard to imagine how a decree mandating that the laws of Kleisthenes be brought into the open can have been drafted by one whose underlying objective had been to find justification for a form of government out of keeping with democratic principle. Kleitophon’s rider states explicitly that *Kleisthenes created democracy*, and this alone should discourage the inference that its intention was for the commissioners to adduce laws of actual or presumed ancestral status guaranteeing a constitution opposed in all its essential structures to the principle of popular self-rule. If read without the hindsight of the interpretation given it by ’Αθπ., the Rider of Kleitophon implies not that its author appealed to a set of laws authorising oligarchy or any type of government different from democracy but adduced laws endorsing the principle of equal share and sought to remind contemporary Athenians that any system proposed by the commissioners that rejected popular self-rule was an anomaly within their political tradition.<sup>64</sup>

If examined in its entirety, the evidence indicates that the Four Hundred won political ascendancy not by characterising the πάτριος πολιτεία as different from the democracy that Athenians knew and respected but rather by outlining the imminent



need to meet the demands of Alkibiades, whose diplomatic leverage with the Persian satrap Tissaphernes had become an indispensable key to winning the war with Sparta. Though the Four Hundred may also have regarded democracy as undesirable in some theoretical sense, the impression derived from Thucydides is that their bargaining chip lay in the practical exigency that, unless Athens suspended her democracy, she could not hope to win the support of the Great King.<sup>65</sup> Thucydides for his part provides no indication that the *πάτριος πολιτεία* was a disputed issue at this time. Peisandros, to be sure, presented to the assembly the case that oligarchy at least for now would be a wiser form of government than democracy,<sup>66</sup> but the image of the debate provided by Thucydides is a far cry from the implication of Ἀθ. that Athenians in 411 abandoned the notion that their ancestral constitution was the democracy they had enjoyed for a century.<sup>67</sup> While ideological division undeniably surfaced among the body politic at this time, it is far from clear that the *πάτριος πολιτεία* became an important watchphrase for supporters or opponents of democracy. The theoretical debates manifested in fourth-century political treatises as to whether the constitution of Solon was closer to this or that kind of democracy had no relevance whatsoever to the realities of late fifth-century political discourse, not least since it was only in the fourth century that the connection made in the public mind between Solon and the democracy.<sup>68</sup>

Modern scholars have often understood the regime of the Thirty to represent an important historical landmark, when advocates of different systems of government invoked history in support of their constitutional proposals. Xenophon attests that the Thirty were instructed by popular mandate to compile the ancestral laws according to which they would govern.<sup>69</sup> Scholars have inferred from this statement that the Thirty sought to justify their regime by foisting upon the city their own idiosyncratic view of the *πάτριος πολιτεία*, but attention is rarely paid to the later statement of Xenophon that the Thirty treated their mandate with a cavalier disregard and failed to provide the necessary statutory underpinning for their government, as they had been instructed.<sup>70</sup> Though the injunction to assemble laws of an “ancestral” nature might at first sight be taken to imply that they depicted the ancestral constitution as something other than democracy, the fact that they were mandated *by popular decree* to draw up a list of the ancestral laws indicates that they were expected to govern within the recognised parameters of ancestral custom but, because they chose to rule without reference to a democratic body, ignored the very terms of the mandate by which they had come to



power. Ἀθπ. attests that the Thirty removed the laws of Ephialtes and Archestratos from the Areiopagos as a way of symbolising compliance with the πάτριος πολιτεία, and modern scholars have often inferred from this that they inflicted on Athens their own interpretation of her ancestral constitution.<sup>71</sup> Nevertheless, the testimony Ἀθπ. does not on closer consideration imply that the Thirty held a different conception of the πάτριος πολιτεία. Rather, it indicates that the public was perfectly aware that institutions such as the popular courts were a relatively late historical development, and, in consequence, the Thirty could thus argue that by eradicating one of the most important constitutional organs in which popular sovereignty was enshrined they were complying with the terms of their remit. Such an argument was possible precisely because there existed a universal but ill-defined conception of the πάτριος πολιτεία, which, while claiming Athens to be a democracy by ancestral right, at the same time recognised that her various organs of democratic government had emerged at different stages in history and therefore allowed for political manipulation and distortion.

The appeal of the Thirty to ancestral custom in 404/3 should not endorse the supposition, then, that at the end of the fifth century two rival versions of the πάτριος πολιτεία had entered public circulation, one claiming Athens by ancestral right to be a democracy, the other an oligarchy. While the Thirty did try to justify at least some of their measures with reference to the πάτριος πολιτεία, they did not invent a new-fangled conception of history that was entirely out of keeping with what the Athenian public recognised and acknowledged. It was the people, after all, who instructed the Thirty to adduce the ancestral laws by which it would govern, and the Thirty called its bluff not by re-inventing history *in toto* but, within the realm of recognised historical fact, by pointing out the relative novelty of institutions like the popular courts and maintaining that ancestral custom could indeed be respected if those organs of government were suppressed. This may have been empty sophistry, but by employing arguments of that kind the Thirty could pay lip service to their remit while pursuing a regime that held little in common with democracy. The fifth-century concept of the πάτριος πολιτεία, though loose in definition, was nevertheless not “up for grabs”; everyone knew that the Areiopagos had at one time held wide-ranging constitutional powers, but recognition of this presented no conflict in the public eye with the general conviction that Athens was by ancestral prerogative a democracy.



The question that follows is whether the theme of the *πάτριος πολιτεία* ever became contentious at Athens at any point in history. Though scholars disagree over whether the events of 411 and 404 were driven by public debates as to what sort of constitution Athens had received from her venerable lawgivers, the opinion today is that by the time of the publication of Isokrates' *Areopagitikos* oration in the middle of the fourth century the Athenian body civic was split between two bodies of opinion, one that embraced the existing democracy as the ancestral constitution that Solon had endorsed, the other that saw it as an aberration from an older and more conservative political dispensation in which real positions of power and influence were reserved for a narrow-based elite.<sup>72</sup> The basis of this theory lies in the oratorical allusions to the ancient lawgivers, which have suggested to many in the fourth century there existed a number of rival conceptions of the *πάτριος πολιτεία*. A "democratic" tradition has been detected in speeches of Demosthenes, Aischines and Hypereides, which tend to allude to Solon either to set a moral example, exhorting or discouraging the people to embark on a particular policy or to ratify a particular proposal,<sup>73</sup> to create a point of contrast between Solon, the model democrat, and the individual against whom the speech is directed,<sup>74</sup> or to parade a law of actual or purported Solonian origin to be the paragon of just and prudent legislation and as the model to which Athens' present lawgivers should aspire;<sup>75</sup> collectively, they characterise Solon as the quintessential democrat and as the architect of democracy.<sup>76</sup> An "oligarchic" strain, meanwhile, has been extrapolated from the *Areopagitikos* of Isokrates, which most scholars have seen to represent a distinctive side of fourth-century political opinion that held the existing political system in low esteem and sought to cure Athens' existing ills by elevating the wealthy and well educated to a position of influence in the government of the city. Isokrates, while praising Solon and Kleisthenes as men who held popular interests close to their hearts, nevertheless ascribes to them constitutions that were democratic in name but which conferred real power upon the richest and best educated citizens.<sup>77</sup>

Two questions present themselves. The first is why in fourth-century ideology Solon took the place of Kleisthenes as the founding father of Athenian democracy; the second is whether, as modern scholars have inferred, the Athenian assembly was split between partisans of radical democracy and partisans of a more moderate system of government, each side of which debate invoked Solon as having given a precedent to the proposals they endorsed. Scholars in the past have tried to answer these questions simultaneously. Jacoby believed that Solon displaced Kleisthenes as the author of the



ancestral constitution in public perception in the last decade of the fifth century, when Athenians of all political persuasions co-opted the idea of a “Solonian” constitution as a propagandist watchword for the form of government of which they approved; the impulse for this, he suggested, lay in the efforts of the oligarchs in 411 to create the illusion of an oligarchic system of government notionally in existence prior to the Peisistratid tyranny, and their bluff was called by democratic opponents who instead likened the alleged Solonian constitution to the current democracy.<sup>78</sup> Ruschenbusch, rejecting the idea that Athenians prior to 356 actively debated the *πάτριος πολιτεία*, argued instead that the concept of a Solonian constitution was in essence an invention of Isokrates, who, for the first time ever, attributed to an historical figure previously associated with the authorship of Athens’ private law a constitution more oligarchic in structure than the existing democracy; the concept of a “Solonian constitution” was, he argued, useful to orators and political pamphleteers, as it could be manipulated by sympathisers of all parties to lend their proposals an air of historical precedent.<sup>79</sup> The claim, however, that Solon took over Kleisthenes’ place in political discourse because his name could more easily service the needs of politicians begs the fundamental question of whether politicians in fourth-century Athens did actively debate the nature of the ancestral constitution and whether the question of Solon’s contribution to democracy was remotely relevant to ordinary Athenians of the fourth century. For now, it is best to keep separate the questions of why Solon came to the forefront in the fourth century and whether he was associated with more than one constitution.

The first question can be answered briefly and without difficulty. As argued above, Athenians of the fifth century believed Solon to have been the author of their laws (*νόμοι*) but did not subscribe to the idea, first in evidence in the mid fourth, that he bequeathed democracy. The prevailing belief in Herodotos’ time quite simply was that *ἰσονομία* was Kleisthenes’ brainchild. In the fourth century, meanwhile, Solon took Kleisthenes’ place as the founder of the democracy not because of party politics, as Jacoby and Ruschenbusch argued, but because of the creation of *νομοθεσία* after the democratic restoration of 403 and the gradual incorporation of constitutional laws among those labelled for convenience *Σόλωνος νόμοι*.<sup>80</sup> Until the fourth century, the Athenian mind saw a clear-cut distinction between the laws of Solon and the ancestral democracy: whereas the former comprised statutes pertaining in main to private and sacred law, the latter was guaranteed by laws given by Kleisthenes in the aftermath of



the overthrow of the tyranny. After 403, the distinction was blurred with the creation of a board of νομοθέται whose task was to supplement the laws of Solon and Drakon with new laws the Athenians might need.<sup>81</sup> Between c.400 and 350 Athens acquired a number of new statutes which, like the laws of Solon and unlike the decrees of the assembly, were referred to as νόμοι and many of which may have been constitutional. Thus, the corpus of νόμοι came to include constitutional laws not originally included on the axones of Solon, and, as long as Solon was held to be the author of Athenian law, the fiction emerged that he was the author of the democratic constitution.

The second question is harder to deal with and requires careful examination of the oratorical evidence dating from the fourth century. As noted above, scholars have been keen to classify the orators into two broad political groups, those who favoured democracy in its existing state and those, like Isokrates, who sought to turn the clock back to a time when the wealthy and educated retained a monopoly on high positions in government and politics. This bifurcation, it is supposed, reflects a split within the Athenian assembly between those on the one hand who approved of democracy and those on the other who harked back to a more “restrained” type of constitution that had notionally existed before Ephialtes. It is quite true that Demosthenes, Hypereides and Aischines speak favourably of democracy and associate democracy with the name of Solon. On the other hand, it remains equally true that Isokrates employs the term δημοτικός as a political catchphrase and furthermore associates Solon with the most democratic form of government ever known.<sup>82</sup> The fundamental question is whether perceptions of history divided down ideological lines and whether such divisions are manifested in the political speeches of the fourth-century orators. The answer is not nearly as simple as scholars have been inclined to think. Though Isokrates proposes a constitution in which the rich and wealthy hold influence, his overview of Athenian history need not in any significant sense have been incompatible with the perceptions and viewpoints of his fourth-century Athenian contemporaries. As with the tradition surrounding the Peisistratid demise, perceptions of Solon may have entailed internal inconsistencies, which, when pulled apart and analysed by the historian or political theorist, could be shown to contain serious historical flaws. The same Athenians who praised radical democracy and credited Solon for its creation may equally have been aware that the Areiopagos had once played an influential role in administration but failed to acknowledge the contradictions inherent in the belief package in its entirety. Because Athenians recognised that the Areiopagos had wide ancestral prerogatives,



Isokrates was able to advocate the return to a type of government in existence prior to Ephialtes without violating the essential historical beliefs and tenets of his audience.

The argument of the *Areopagitikos* may be summarised thus. Athens' present leaders are incompetent, and her citizenry is dissipated. Formerly, in contrast, citizens were modest, self-sacrificing and submitted to the moral guidance of the Areiopagos. Whereas magistrates at one time were elected directly, nowadays office is attained by sortition. In consequence, the Areiopagos, which at one time had comprised the best of the citizenry, now draws its numbers from persons unworthy to fulfil the duty to which they have been assigned and cannot act as a disciplinary body or as a model of exemplary behaviour because it has lost the respect of the citizens. In former times, Athens was leader of the Greek world because her own leaders were men of great capability and moral vigour; the people was able to choose the best citizens to lead it, not, as now, obliged to fill public posts with the rank and file of the city. If Athens rid herself of the method of selecting magistrates by lot, she would find herself governed by the leaders she deserves and as a result would regain her lost grandeur. To throw into relief the wretched state of contemporary affairs, Isokrates harks back to the great lawgivers Solon and Kleisthenes and draws a poignant contrast between the kind of Athens they created and the kind that has emerged at the hands of demagogues. Athens' venerable lawgivers, holding the interests of the people at heart, engineered a system in which only the most competent could govern the city. The democracy they forged was not mob-rule, as it has become since, but a true democracy in which the people was empowered to elect directly those citizens best able to govern.<sup>83</sup>

The political disposition of Isokrates may, indeed, be reasonably described as "conservative", and it seems unlikely that his view of the best form of government as one in which a wealthy and educated elite holds power would have been acceptable to the majority of Athenians. Nevertheless, caution must be taken before supposing that his account of history was incompatible with the beliefs and perceptions of his fourth-century Athenian contemporaries. Independent testimony suggests that Athenians of the late fourth century recognised that the Areiopagos had once exercised a wider role in city administration than it had since the mid fifth century but at the same time gives little indication that recognition of this fact was conditioned by discernible ideological commitments. In about 344 the orator Demosthenes proposed a measure granting the Areiopagos "absolute right to punish anyone in conformity with ancestral custom".<sup>84</sup> The invocation of ancestral rights has prompted the supposition that there existed at



the time many conceptions of the Areiopagos' ancestral powers and that the decree of c. 344 represents just one side of fourth-century opinion that, in conformity with the broader conviction that the Areiopagos should possess sweeping authority, amplified in the public eye its historical prerogatives. Nevertheless, as with the appeal of the Thirty to the *πάτριος πολιτεία*, the appeal of the decree of c. 344 to ancestral custom reflects not a rift in the assembly between one body of opinion that recognised the ancestral authority of the Areiopagos to have been considerable and another that did not but rather a consensus among the body politic that the Areiopagos held by ancestral right power to punish anyone with absolute authority. That this conviction was not ideologically predetermined is indicated by the fact that the author of the bill was Demosthenes, otherwise an ardent advocate of democracy and one who regularly associated in his speeches the name of Solon with democracy. Together, the evidence suggests that fourth-century Athenians acknowledged that the Areiopagos had once fulfilled an important role but failed to see how recognition of this fact might undermine broader belief in Solon as the author of their democracy.

Scholars have seen additional signs of a public debate over the ancestral role of the Areiopagos in a law drafted in 337/6 by a certain Eukrates forbidding members of the Areiopagos to convene in the event of the overthrow of democracy. The stele on which the law is inscribed is adorned with an effigy of the goddess *Demokratia*. Modern scholars have regarded Eukrates' law as evidence of a "democratic" backlash against approximately three decades of Areiopagite ascendancy, during the course of which perceptions of the ancestral prerogatives of the Areiopagos had become magnified.<sup>85</sup> Nevertheless, while it may be true that Athenians had come to regret the degree of influence they had conferred upon the Areiopagos and placed new restraints on its increasing influence and power, there is little good ground for the assumption that its ancestral prerogatives were at this time, or for that matter at any other, debated in the assembly. This section has argued that public historical perceptions were fluid and that Athenians could speak of their ancestral constitution as a democracy and at the same time recognise, however tacitly, that certain institutions like the Areiopagos had once enjoyed significant sway in public affairs. Even if it is meaningful to speak of an anti-Areiopagite backlash in the 330s, it does not follow that a movement of this kind was accompanied by any conscious effort to soft-pedal the Areiopagos' ancestral role. The issue of ancestral powers became important when the Athenians conferred on the Areiopagos wider responsibilities and acknowledged its ancestral authority to



make its newly acquired influence in some sense ideologically palatable. When, conversely, Areiopagite influence was pared down, awareness of its ancestral powers did not vanish from sight but simply receded from the limelight.

In brief, the fourth-century oratorical sources give little support to the modern theory, on which Jacoby's analysis of Atthidography depended, that the concept of the *πάτριος πολιτεία* was contested in the political arena in the fifth or fourth centuries. While Athenians of the age may well have entertained different views on the worth of the democracy, it is far from clear that they accompanied these conflicting views with idiosyncratic accounts of the ancestral constitution. When Atthidographers presented the history of the constitution with contrasting points of emphasis, their differences need not have reflected a climate of historical debate within the political arena. As will be argued in the next section, conflicts and polarities in the literary sphere did not proceed from allegiances on the part of authors to ideological factions within the Athenian assembly. Rather, they must be estimated on their own merits and in light of the intellectual traditions and trends to which those same authors belonged.

### **3.5. Solon and Kleisthenes in fourth-century perception (II): The literary arena.**

The discussion thus far has dealt with Solon and Kleisthenes and with the way they were perceived in the fifth and fourth centuries. In the case of Herodotos, while his depiction of Solon seems to have conformed to the beliefs and tenets of his Athenian contemporaries, his account of the liberation of Athens under Kleisthenes militates in tone and in implied value judgment against the historical preconceptions of his age. In the case of Isokrates, meanwhile, though the notion that Solon was the founder and architect of Athens' existing political institutions is manifested in his speeches, the way in which he manipulates and moulds this doctrine to suit his argumentative ends is idiosyncratic, and, while presenting a case that might have met with recalcitrance, he nevertheless employs terms and concepts that reflect not divisions in historical perception but broad consensus among his intended audience or readership. Neither implies a rift in contemporary perceptions of the early lawgivers. On the contrary, both presuppose a standard set of historical assumptions and distinguish themselves not through uncritical re-production of popular tenets but by subverting or by reformulating those tenets: Herodotos polemicises against the commonly held view that

the architect of Athenian liberty was Harmodios; Isokrates, meanwhile, re-formulates the concept of democracy as a system in which popular interests are best served by vesting a prudential elite with *de facto* tenure on the archonship. Both authors imply the existence not of debate between different factions and parties in the contemporary political arena concerning the essential facts of history but rather of general agreement that Athens was by tradition a democracy; their respective aims are comprehensible only if measured against an implied background of historical consensus.<sup>86</sup>

Careful examination of the independent evidence for the historical perceptions of fifth- and fourth-century Athenians and the historical literature of the classical age undermines the doctrine that the Athenian public for the better part of its history was divided into different factions and groupings, each with its own view of the value of democracy as a form of government and its own conception of the historical processes by which democracy at Athens came into existence.<sup>87</sup> Still, it is quite true that literary figures of the period entertained conflicting views of constitutional history, and it would be misleading to suggest that historians and theorists of the late classical age, like the majority of Athenians of the period, were united in agreement as to the form of government bequeathed by the lawgivers.<sup>88</sup> The moot point is just whether literary presentations of history and historical perceptions that circulated among the Athenian public were, as Jacoby and Ruschenbusch held, organically connected. Scholars have often assumed that divergent notions of history reflected in extant literary tradition resulted from conflict in the assembly between partisans of radical democracy, who justified their policies on the pretext that the form of government sanctioned by Solon was comparable to the democracy as it existed in the fourth century, and partisans of a more conservative system of government, who in support of their own ideas presented the early lawgivers as moderates and who saw the existing democracy as a corruption of a more "pristine" constitution.<sup>89</sup> This approach, as argued earlier, begs the question, and it is theoretically less cumbersome to seek explanations for the divergences in the way literary authors re-constructed history by observing the aims and objectives of each individual author in question.<sup>90</sup> In most cases the fragmentary state in which texts have survived places serious limitations on modern estimation and analysis of their purpose. On the other hand, even when dealing with mere historical fragments, it is possible for the modern interpreter to discern reasons for why a particular account diverged from the assumptions and preconceptions of its age. If the supposition that politicians throughout the classical and Hellenistic ages espoused



different notions of the ancestral constitution is suspended, it is no longer necessary to imagine that the slants and angles with which authors narrated the history of Athens as the function of hypothetical affiliations with political “parties”; in the great majority of cases *Tendenz* can be explained on internal criteria of the texts.

The aim of this section is to explore in greater detail the relationship between literary re-constructions of history and the historical perceptions and preconceptions of the Athenian public. With specific reference to the theoretical treatises of the late fourth century, it will assess the modern claim that the different views of the *πάτριος πολιτεία* evident in literature of the period spring from a debate within the assembly as to the kind of constitution bequeathed by Solon and hence the kind that Athenians should adopt. Two particular texts will form groundwork for discussion. The first is a notorious passage from Aristotle’s *Politics*, which shows that two interpretations of the *πάτριος πολιτεία* existed at least in fourth-century literary circles.<sup>91</sup> The second is the so-called “historical” part of Ἀθ.π.’s narrative, replete with allusions to disputes in earlier historiography and which frequently ascribes the cause of disagreement to the different ideological stances of the authors in question; these portions of Ἀθ.π. are important in their own right, for they entail an evolutionary concept of history and hence imply a theoretical approach to their subject matter whose origins lie not in the Athenian assembly but in the fourth-century philosophical schools.<sup>92</sup> The impression given by both treatises is that the discussions of the *πάτριος πολιτεία* attested in the second half of the century had tenuous roots in contemporary political discourse: whereas fourth-century Athenians concurred that democracy was desirable and Solon the archetypal democrat, the discussion outlined in the *Politics* implies an alien set of value judgments and does not share the popular conviction that democracy was either necessarily good or a bequest of the lawgiver Solon.

We begin with the passage from the *Politics*, which appears in the context of a theoretical discussion of the different components of state and their correspondence with the organs of government known at Athens and Sparta. In distinction from other lawgivers in Greece, Solon and Lykourgos are said to have left their cities not only legal compilations (νόμοι) but constitutions (πολιτεῖαι). In the case of Athens, there was disagreement in the fourth century whether the constitution bequeathed to Athens by Solon (the *πάτριος πολιτεία*) represented a perfect balance between democracy, oligarchy and aristocracy or whether the pernicious characteristics evident in radical



undesirable and that the best kind of constitution is one where democracy is balanced by oligarchy and aristocracy.<sup>94</sup> In this discussion the principal bone of contention was not whether one form of constitution is preferable to another but whether Solon in balancing the democratic, oligarchic and aristocratic elements in the constitution did so successfully. The fact that *both* sides shared Aristotle's ideological and theoretical standpoints suggests that they represented not different trends emanating from the political arena but constituted opposite sides of a discussion in which participation was limited to a small intellectual and philosophical coterie.<sup>95</sup>

That the passage of the *Politics* should *not* be read as evidence that Athenians of the fourth century were split in conception of the *πάτριος πολιτεία* is all the more clear if attention is paid to the theoretical definitions and categories that permeate the debate. If measured against the ideological tenets and assumptions of fourth-century Athenians, these suggest that the discussion at hand was not one that raged within the assembly but one limited to the environs of the philosophical schools. By far the most striking feature of the discussion is the way in which it schematises the archons, the law-courts and the Areiopagos as bearing the hallmarks of aristocracy, democracy and oligarchy respectively.<sup>96</sup> Close reading of the evidence supplied by the fourth-century orators has led to the conclusion that by the late classical age Athenians incorporated into a broadly democratic ideology the sense that in order for democracy to survive it was necessary to endow a panel of experienced men with responsibility to investigate subversive activities; the Areiopagos was seen not as an "oligarchic" component in the overall political dispensation but as an essential component of the democracy.<sup>97</sup> Athenians shared the conviction that the constitution they enjoyed was both noble and in all its main attributes a bequest of Solon; though there may have been some dispute in the later part of the century over whether the Areiopagos be vested with wider powers in accordance with ancestral custom, the decree of Demosthenes implies the existence of a consensus among the Athenian public on the point that the Areiopagos had at one time been encumbered with wide administrative responsibilities.<sup>98</sup> The question in the second half of the century was not whether the ancestral role of the Areiopagos was itself weighty – this at any rate appears to have been a matter of universal consent – but at most amounted to the issue of whether the Areiopagos in conformity with its ancestral prerogatives ought to be assigned duties outreaching those of mere homicide jurisdiction. Aristotle's tidy packaging of the Areiopagos and the elected archons as representing non-democratic elements in the constitution



implies that the debate in question was waged not among politicians but intellectuals whose main theoretical assumptions corresponded to those expressed in the *Politics*.

One of the reasons why scholars have imputed different ideological stances to the authors cited by Aristotle lies in the observable fact that in cases disagreement in historical interpretation was driven by ideology. Evidence of this is found in allusions in Ἀθπ. to disputes in historiography over certain historical themes and to a group of writers termed οἱ δημοτικοί. Perhaps the best remembered example is the dispute over whether Solon, in proposing a debt-relief measure, did so in the interests of the people or of the wealthy. A rumour existed in the fourth century to the effect that the wealthy landholders in sixth-century Attica got wind of Solon's intentions to slash debts and, in the hope of benefiting from this measure themselves, borrowed money to buy more land in the knowledge that the debt accruing would be nullified as a result of Solon's impending legislation. Fourth-century writers were divided: whereas those of a democratic inclination (οἱ δημοτικοί) sought to exculpate Solon on the grounds that he was politically out-manoeuvred and informed the rich of his intentions as a way of compromise, others smeared him with the charge that the programme was engineered in cahoots with the wealthy.<sup>99</sup> The evidence at face value suggests that fourth-century writers construed local history with different slants in accordance with underlying political sympathies, but it is important not to exaggerate the extent of their differences. In this instance the point of disagreement is not the question of whether Solon authorised a debt-relief measure or even whether he informed the rich before so doing but whether his motives were selfish or altruistic and whether in consequence his legislation can in a meaningful sense be said to be democratic.<sup>100</sup> This should not in itself encourage the inference that when authors reconstructed history differently the underlying motive was necessarily a difference in ideological affiliation.<sup>101</sup> In the case of the debate alluded to by Ἀθπ. there can be little denying that the dispute had a strong ideological dimension; in the case of the debate alluded to in the *Politics*, however, the difference between the sides lay not in political sympathy but in the way they tried to explain from *similar* normative standpoints why the πάτριος πολιτεία came to be corrupted by later demagogues.

The passage of the *Politics*, in short, permits two inferences and two only. The first is that discussion of the πάτριος πολιτεία was *not* conducted by politicians and public figures at Athens, each with a special ideological agenda; rather, if debated



at all, it need have been debated only by philosophers and theorists whose discourse was remote from the needs and concerns of most fourth-century Athenians. Secondly, the one and only piece of evidence that the *πάτριος πολιτεία* was disputed indicates, contrary to modern assertion, that sides were not predetermined by ideological leaning but rather that, while the discussion did have normative implications, its participants shared the same essential conviction that radical democracy was an evil to be avoided. In no sense can the discourse outlined by Aristotle in the *Politics* have resembled the practical debates in the assembly over what kind of democracy Athenians ought to possess and how positions of public responsibility should be delegated. Independent evidence suggests that, whenever history was invoked in the assembly, it was invoked in such a way as to play up to a set of common assumptions and preconceptions.<sup>102</sup> As for the question arising at Athens in the second half of the century over whether the Areiopagos should be vested with powers greater than those currently possessed, there is little evidence that the ancestral prerogatives of the council were disputed; the debate turned on the issue of whether in accordance with ancestral practice the council should be granted wider responsibilities in city administration.<sup>103</sup> The idea that the discussion represented in the *Politics* had any relevance to fourth-century political discourse is belied by all the evidence that the Athenians perceived the Areiopagos to have had an ancestral claim to wide-reaching powers and that they did not envisage this as presenting a threat to the democratic constitution. The notion that the Council of the Areiopagos was an “oligarchic” institution was for most Athenians an anomaly, not least for that fact that Athenians of the age, who saw their system as democratic, delegated important duties to a panel of ex-archons and saw this to present no threat to Athens’ status as the most democratic state in the Greek world.

The second text to be considered is the seventh on Ruschenbusch’s chart, the (pseudo)-Aristotelian *’Αθπ.*, and its place in the tradition of local Attic historiography. The historical chapters of this text have in the past constituted a major resource from which scholars have sought to reconstruct trends and patterns in Attidography, for it has been assumed that its author drew his knowledge of early Athenian history from the *Atthides* of Kleidemos and Androtion (see below, section 3.6).<sup>104</sup> Although the fragments of Androtion’s *Atthis* do reveal a considerable emphasis upon constitutional history,<sup>105</sup> it is unclear that *’Αθπ.* owed its conception of how the Athenian democracy evolved to the Attidographers, and, even if we can suppose that certain factual data such as the passage of Perikles’ citizenship law or the reform of archon selection were



culled from an annalistic source, we must allow for the possibility that the material reaching 'Αθπ. *via* earlier literary channels was shaped into a theoretical framework defined by the intellectual milieu in which 'Αθπ. was conceived.<sup>106</sup> If the theoretical standpoints underlying the historical chapters of 'Αθπ. are collated with the account of democratic growth and development expounded in the *Politics*, it becomes apparent that its approach to Athenian constitutional history is heavily coloured by Aristotelian theory and that the author of 'Αθπ., whether or not identical with Aristotle, shaped his presentation to match Aristotelian specifications as to how democracies evolve.<sup>107</sup>

The strongest evidence that the historical chapters of 'Αθπ. were written in conformity with Aristotelian doctrines of constitutional growth and development lies in the closing chapter of the historical narrative, which summarises eleven changes experienced by the Athenian πολιτεία before reaching its final form (τέλος). The first change (μεταβολή) is said to have come about in the time of Ion, who divided the Athenian population into the four so-called Ionian tribes; the second came about with Theseus, the first to lean a little from monarchy; the third is ascribed to Solon, when democracy took its beginning, the fourth to Peisistratos, the fifth to Kleisthenes, whose constitution was more democratic than that of Solon; the sixth change is said to have taken place after the Persian Wars, when the Areiopagos experienced a meteoric rise in its power; the seventh was pointed to by the lawgiver Aristeides and fulfilled by Ephialtes, while the eighth, ninth, tenth and eleventh are represented by the two oligarchic interludes of 411 and 404 and by the democratic restorations that followed each.<sup>108</sup> Though there is no other place in the Aristotelian corpus where the historical processes by which the Athenian constitution evolved is schematised so precisely, the fact that 'Αθπ. envisages the history of the Athenian democracy in terms of a political evolution is in itself significant, for it shows that the main theoretical standpoints from which its author proceeded were fundamentally Aristotelian. The crucial point is that it sees democracy *as a product of political evolution* and not, as Athenians believed, of political continuity. Aristotle in the *Politics* states that democracies evolve in four (or perhaps five) stages, the first kind being one in which effective power resides with a rural peasantry, the second and third in which positions of public responsibility are open to all regardless of their wealth, and the fourth in which an urban population establishes economic independence from the agricultural population and relies for its subsistence on foreign revenue.<sup>109</sup> Though the precise extent to which the author of



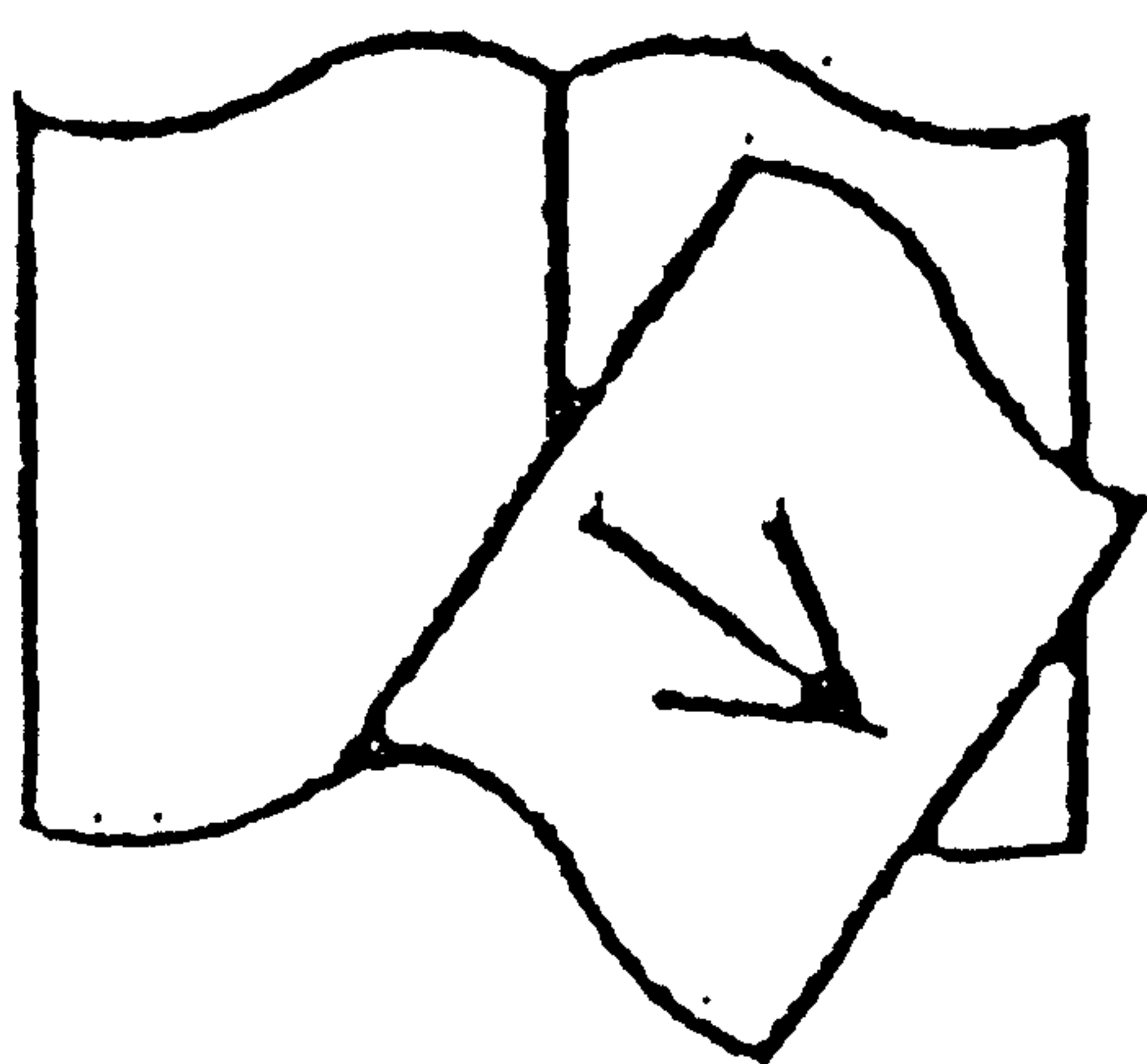
'Αθπ. modelled his account of Athenian history on these analytical criteria is open to debate, the very fact that like Aristotle he is prepared to regard the radical democracy not as something that the architect of democracy (in Athens' case Solon) intended but as the result of a series of changes that occurred through accident is sufficient to show that his theoretical standpoints are closer to those of the Lyceum than to any other.<sup>110</sup>

Though adherence to Aristotle's political teleology is not explicitly stated by the author of 'Αθπ., the main suppositions on which his broad conception of Athenian constitutional development is predicated bears all the trappings of Aristotelian theory, and the historical chapters are infused with a conceptual vocabulary that illustrates a debt to the theoretical doctrines of the Lyceum. The most visible sign that the author of 'Αθπ. was strongly indebted to Aristotelianism lies in his use of συμβαίνειν and its derivatives.<sup>111</sup> In Aristotelian usage the verb συμβαίνειν regularly implies events for which there is no obvious scientific explanation and which occur by chance.<sup>112</sup> When discussing in a biological treatise different kinds of causation, Aristotle distinguishes between mechanical and scientific causation, the former of which is a function of το συμβεβηκός ("accident"), the latter of which φύσις ("nature"). A case of mechanical causation is sterility in human beings, which is accidental (*i.e.* not natural to the species) and therefore leads to reproductive incapacity in some people; this is to be distinguished from sterility in mules, which results not from mere accident but from nature.<sup>113</sup> Biological deformities are accidentally necessary, in the sense that they are not necessary for the τέλος of an organism in question but are caused by deformations in matter.<sup>114</sup> The same principle applies in politics. If a democracy is managed like an oligarchy, it is not fulfilling its τέλος; these events are purely accidental but may result in political change.<sup>115</sup> In states with a property qualification for office a sudden increase in wealth is likely to upset the balance of the existing constitution; again, there is a causal connection in this situation between constitutional imbalance and the increase of wealth, but the causation is mechanical insofar as the wealth increase is a product of accident.<sup>116</sup> In the *Politics* Aristotle gives a list of accidental alterations leading to revolution that happen not by necessity but by chance and uses the verb συμβαίνειν accordingly.<sup>117</sup> Similar uses of συμβαίνειν can be observed in the text of 'Αθπ.: it so happened that the upper and lower classes in Attica before Solon's day were in mutual struggle, and so a change was implemented to resolve the struggle in existence since Theseus' time;<sup>118</sup> the arrogance of Thessalos and the insult born by his



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that thanks to the Kleisthenic reforms the state grew little by little in size in proportion to the rise of democracy; this indeed looks like an attempt to re-interpret Herodotos's claim that Athens rose in strength after Kleisthenes created ἰσονομία.<sup>124</sup> The link between the increase of τὸ πῶσον and the progress of democratic evolution is spelled out explicitly in 'Αθπ.'s account of the circumstances in which Ephialtes implemented his reforms: according to 'Αθπ., the Ephialtic reforms were possible only because the lower class had grown in strength and number in the wake of the Persian Wars.<sup>125</sup> In all these instances the underlying assumption seems to be that political and constitutional developments are rooted in a shift in the equilibrium between τὸ ποῖον and τὸ πῶσον, a shift that occurs not through necessity but by sheer historical accident. These chapters of 'Αθπ., while incorporating material acquired from earlier sources, frame the evolution of democracy upon Aristotelian theoretical principles.<sup>126</sup>

If correct, these observations permit the conclusion that 'Αθπ.'s presentation of Athenian constitutional history is governed by trends of thinking originating not with politicians in the assembly but with philosophers and theorists of the fourth century. Athenians, as we have seen by examination of oratorical texts and public decrees of the fifth and fourth centuries, held dear the notion that their political system was a bequest of a single lawgiver, and, though Solon appears to have replaced Kleisthenes by the second half of the fourth century as the chief architect in public ideology of Athens' democracy, belief in a *political continuity* stretching back to early times was deeply entrenched in popular perception. The idea that democracy was the product of change and moreover that the history of Athens' constitution could be conceptualised in terms of a succession of μεταβολαί was an anathema for Athenians of the classical and Hellenistic ages. Such notions developed in the context not of Athenian politics but of an intellectual milieu whose historical assumptions and standpoints were out of keeping with those of the Athenian public and who sought to schematise the local history of Athens in conformity with artificial theoretical models that had no meaning for most Athenians of their day. The claim of Jacoby and Ruschenbusch that Attic historiography was from the time of Herodotos a weapon of local party politics falls under greater suspicion when we consider how intimately rooted the historical narrative of 'Αθπ. was in political theory and *ipso facto* how disengaged it was from the assumptions and frame of reference on which popular ideology was predicated.



### 3.6. The political dimensions of Athidography (I): Kleidemos and Androtion.

The discussion thus far has sought to establish two principles. The first is that history was not a subject of regular debate in the public sphere: though politicians and orators frequently allude to historical themes in support of their proposals, in most analysable cases it seems that perceptions of history reflected in their rhetoric were meaningful not, as Jacoby and Ruschenbusch maintained, to a narrow segment of the assembly but to the body civic in its entirety, and for this reason the historical allusions found in speeches and decrees offer valuable material from which Athenian popular ideology can be re-constructed. The second is that sophisticated theoretical discourse on the issue of whether the Solonian constitution was in any proper sense democratic or else a mixture of democracy and oligarchy was waged not by politicians but by political theorists and academics, most of whom engaged in a style of discourse that had little relevance to contemporary Athenian politics. *Tendenz* has been noted in Herodotos' digression on the fall of the Athenian tyrants, but the tendentious nature of his account is explicable within the broader parameters of his narrative and need not be seen as a function of the oral sources on which he drew. The manner in which Aristotle and the author of 'Aθπ. for their part conceptualised the history of the constitution, while not incompatible with the general popular recognition that certain institutions such as the Areiopagos at one time held broader sway in government, nevertheless threw into relief the evolutionary nature of Athens' constitutional history in a way that may have conflicted with the general conviction of their contemporaries in a political continuity stretching back to Solon. The cases of Herodotos, Isokrates and 'Aθπ. illustrate how *Tendenz* observable in historical, political and theoretical treatises may be estimated as a function not of a contemporary debate in the political arena but of a desire on the part of authors to present history in conformity with their own theoretical standpoints.

These conclusions are vital to bear in mind when considering the fragmentary authors on Ruschenbusch's chart and the possible reasons for why discrepancies may have arisen between different literary accounts of history. The authors in question are the local Attic historians Kleidemos and Androtion. Discussion of their treatises will adopt two approaches. First, we will question from a purely theoretical angle whether the two authors were, as Jacoby argued, ideologically opposed. Kleidemos has been credited with the claim that the *πάτριος πολιτεία* was essentially democratic and that



the reforms of Ephialtes in the fifth century were minor adjustments to a system that since Solon's time had in its most conspicuous features been basically democratic; Androtion, meanwhile, is thought to have portrayed the *πάτριος πολιτεία* as a mixed constitution and the so-called Ephialtic democracy as a later innovation within a much older and more conservative political tradition.<sup>127</sup> These claims are wholly dependent on the supposition that the historical chapters of 'Αθπ. synthesise two earlier traditions of writing touching upon the *πάτριος πολιτεία*, one originating with Kleidemos, the other with Androtion; by calling into question this supposition, we may question the doctrine that the Atthidographers in question treated history from different normative standpoints. Second, we will study the fragments of the *Atthides* and test from a more empirical angle the validity of the doctrine that the political sympathies of Kleidemos were democratic and Androtion's oligarchic. Though the Atthidographers wrote in a tendentious fashion, it is not obvious *a fortiori* that the historical themes about which they wrote were relevant to contemporary political debate. The modern doctrine that Kleidemos, Androtion, and ultimately Philochoros composed their *Atthides* in order to give voice to the propaganda of different groupings in the assembly is dependent on preconceived notions as to the role of these authors within a background of political warfare, but, if the fragments are considered on their own merits, simpler explanations may be adduced for why historical judgments diverged among those authors.

We begin with the theory that fourth-century Atthidography represented two self-contained, ideologically slanted traditions in regard to the *πάτριος πολιτεία*. It has been recognised since the time of Wilamowitz that the author of 'Αθπ., whether to be identified with Aristotle or his pupil, drew his knowledge of Athenian history from an earlier literary tradition and that the tradition on which he drew contained internal divergences and discrepancies.<sup>128</sup> The frequent allusion in the historical portions of the narrative to a group of writers under the bracket οἱ δημοτικοί suggests that some of the sources on which he relied were disposed in favour of democracy and portrayed the democratic lawgivers in a positive light, while others of an oligarchic disposition aspersed those same democratic lawgivers as demagogues. Scholars in the past have maintained *a fortiori* that local historical writing prior to 'Αθπ. was politically biased and that historical disagreements were often if not usually motivated by differences in political outlook. The question on which they differ is the identity of these authors. Until Jacoby the prevailing scholarly doctrine was that pamphleteers of the fourth and



third centuries drew on one of two archetypal sources, a “democratic” in the form of a priestly *Atthis* of 380 and an “oligarchic” in the form of a document published at the end of the fifth century by Theramenes; the democratic tradition was thought to have found its expression in the later *Atthides*, while the oligarchic in pejorative pamphlets such as Theopompos’ treatise *On Demagogues*.<sup>129</sup> Jacoby, on the other hand, protested that the archetypal literary treatises postulated by Wilamowitz are unattested and create greater theoretical problems than they solve. While retaining the idea that the tradition of historical writing prior to ᾽Αθπ. split into two branches, each with its own distinctive political sympathies, he contended that divergence in earlier historiography lay not between the Atthidography *in toto* and another tradition *but rather within the Atthidographic tradition itself*.<sup>130</sup> In consequence, he speculated that the democratic tradition behind ᾽Αθπ. appeared first in the *Atthis* of Kleidemos,<sup>131</sup> while the conservative appears in the *Atthides* of Androtion<sup>132</sup> and Phanodemos.<sup>133</sup>

In spite of their differences as to the identity of ᾽Αθπ.’s sources, both schools agree on the doctrine that the sources can be grouped into two streams and that the defining characteristic of each was ideological leaning. On either interpretation, whereas one branch in the tradition portrayed the πάτριος πολιτεία as possessing all the trappings of democracy and depicted the reforms of Solon in as democratic a light as possible, the other diminished the democratic features of the early constitution and cast Solon, and later Kleisthenes, as having sanctioned a very “restrained” democracy. To be sure, ᾽Αθπ. refers to a group of authors under the bracket of οἱ δημοτικοί, and differences in historical judgment among ᾽Αθπ.’s sources were often motivated by the differences in ideological leaning. Yet it needs to be shown that ᾽Αθπ.’s conception of history entails a synthesis of earlier conflicting accounts of the πάτριος πολιτεία. As argued above, ᾽Αθπ.’s overview of constitutional history was shaped by doctrines of the Lyceum, and, while it inherits historical material from earlier literature, its overall presentation and schematisation is the creation of its author and not of its sources. Even if there were debates in fourth-century historiography as to whether Solon could properly be classed a democrat, ᾽Αθπ. need not imply the prior existence of two self-contained traditions, one that saw the πάτριος πολιτεία as resembling the democracy of the fourth century, another that saw it to be fundamentally at odds with it. What is needed is a test case illustrating that ᾽Αθπ. synthesises two traditions in regard to the πάτριος πολιτεία and that these traditions might have arisen within Atthidography.



A test case has been adduced in 'Αθπ.'s account of the Areiopagos prior to the reforms of Ephialtes. This is often seen to represent a synthesis of two independent traditions, one that envisaged the Areiopagos to have occupied a high position in the constitution until Ephialtes, the other that attributed to Solon the most important role in sizing down the influence of the Areiopagos and creating democratic institutions such as the heliastic courts. The opening chapters depict the Areiopagos as guardian of the constitution; though the exact meaning is uncertain, 'Αθπ. clearly conceives of the Areiopagos prior to Solon's reforms as the chief council of state, whose members comprised exclusively the nobility and which ruled without reference to popular will.<sup>134</sup> 'Αθπ., however, is ambiguous as to the effect of the Solonian reforms on its political standing. In his summary of Solon's political reforms, the author of 'Αθπ. states that the most democratic features of the reforms were the prohibition of loans secured on person (τὸ μὴ δανίζειν ἐπὶ τοῖς σώμασιν), the right of anyone who wished to exact redress on behalf of an injured party (τὸ ἐξεῖναι τῷ βουλομένῳ τιμωρεῖν ὑπὲρ τῶν ἀδικουμένων), and the right of appeal to a popular tribunal (ἡ εἰς τὸ δικαστήριον ἔφεσις); the third of these, he claims, was the most important, since it is through the law-courts that the people becomes master of affairs.<sup>135</sup> On the other hand he states earlier in his description of the reforms that the Council of the Areiopagos was appointed by Solon the duty of guarding the laws, as previously it had watched over the constitution, and was left with absolute authority to punish and fine offenders (τοὺς ἁμαρτάνοντας ἡὔθυνειν κυρία οὖσα καὶ ζημιοῦν καὶ κολάζειν).<sup>136</sup> The important phrase is κυρία οὖσα, which implies that the Areiopagos was empowered to punish and fine *without appeal*.<sup>137</sup> If the author of 'Αθπ. drew his material on the Solonian constitution from earlier sources, the obvious inference is that behind 'Αθπ.'s account stands two contradictory traditions, one democratic in leaning that envisaged the Areiopagos to have lost absolute power of jurisdiction from the time of Solon, the other oligarchic that held that the Areiopagos emerged from the reforms unscathed.<sup>138</sup>

The moot point is whether the contradiction originated among 'Αθπ.'s sources or whether it was a later phenomenon attributable to the transmission of the text of 'Αθπ. Scholars have recognised that the "Drakontian constitution" is probably a later insertion and came about in the time of Demetrios Phalereus.<sup>139</sup> The basis of this inference lies in the observation that Drakon is omitted from 'Αθπ.'s list of lawgivers



under whom changes to the constitution (μεταβολαί) are said to have taken place. If so, the account of a constitutional dispensation under Drakon crept into the tradition at a later stage.<sup>140</sup> The implications are considerable, for the possibility opens up that the reference to guardianship of the constitution in 'Αθπ.'s account of the powers given to the Areiopagos by Solon is not authentic; indeed, it refers back to a dispensation granted under Drakon that Solon, if the testimony is to be believed, left untouched. The claim, in other words, that Solon permitted the Areiopagos to wield jurisdiction without appeal is more likely to have been interpolated, not least since it contradicts the statement a chapter later that Solon introduced ἔφεσις but also because it echoes earlier material that did not appear in the original version of 'Αθπ..

'Αθπ.'s account of the Solonian reforms and their effect on the political stature of the Areiopagos does not, then, permit the inference that its sources divided into two streams, one democratic that envisaged the reforms as having substantially reduced Areiopagite tenure on jurisdiction, another oligarchic that held in contrast that the Areiopagos under Solon was left virtually unaffected. If the interpolated passages are removed from the text, it seems that 'Αθπ., in conformity with Aristotelian principles, regarded the μεταβολή under Solon as a definite step in the direction of democracy. Like Aristotle and the authors to whom Aristotle in the *Politics* alludes, there is no question for the author of 'Αθπ. that Solon introduced the right of appeal (ἔφεσις) to a popular tribunal; the point of dispute in the fourth century, as Aristotle implies, was not whether popular jurisdiction was introduced by Solon – on this everyone agreed – but more simply whether by introducing popular jurisdiction Solon sowed the seeds of future demagogy. 'Αθπ.'s account, if interpolations are lifted, is internally consistent and embodies a view that had taken shape in the philosophical schools of a democracy evolving in successive phases; the Solonian constitution, according to the model, represents the first phase, the final phase being accomplished by Ephialtes in the mid fifth century. Modern reconstructions of two independent literary traditions in regard to the πάτριος πολιτεία prior to 'Αθπ. rest on slender ground, and the Atthidographic tradition must be judged solely on the strength of the extant fragments of the *Atthides*.

These considerations bring us on to the empirical element in our discussion, in which we examine specific fragments of the *Atthides* and measure, as far as possible, whether they reflect ideological leanings in the *Atthides* of Kleidemos and Androtion. The question is not simply whether Kleidemos and Androtion construed history in a





tendentious fashion - of this there can be no doubt - but more importantly whether the historical themes on which they are known to have issued tendentious judgments were matters of political dispute in their own day. Jacoby's assessment of local historical writing at Athens rests on the principle that the Atthidographers addressed themselves to issues of contemporary political relevance and construed history in such a way as to bolster the historical claims of the political factions with which they were associated. The express aim of each successive *Atthis* was, on his line of reasoning, to portray the Athenian lawgivers in different political lights and to present the existing democracy as possessing the sanction of Solon or else as a later aberration from a much older and more conservative dispensation. Ruschenbusch placed the symbols RD beside Solon in the column under Kleidemos and GD beside Solon and Theseus in the column under Androtion; the implication is just that, whereas Kleidemos gave a "democratic" account of the *πάτριος πολιτεία* - viz. the constitution of Solon - and so construed Solon as author of radical democracy, Androtion retrojected democracy to Theseus but, unlike his predecessor, construed radical democracy as the brainchild of Ephialtes in the fifth century. Importantly, these symbols are supposed to represent not only what Kleidemos and Androtion thought but opposed traditions of historical thinking that arose from within the assembly and fed subsequently into their *Atthides*.

Plutarch quotes Kleidemos for the opinion that the moneys distributed to the Athenian fleet on the eve of Salamis were bestowed by Themistokles, who, according to the tale, raided the baggage of the crew in search of the Gorgon's head and found instead a large quantity of silver that he subsequently distributed among the populace. He contrasts Kleidemos' testimony with the claim of 'Αθπ. that the money distributed to the crew on the eve of the Salamis was the benefaction of the Areiopagos.<sup>141</sup> The divergence concerns the origin of the benefaction. Scholars have held that 'Αθπ.'s attribution to the Areiopagos of responsibility for the funding of the fleet must reflect a conservative political leaning, for it gives moral credit to an "oligarchic" institution. Similarly, they have seen in the account of Kleidemos, as represented by Plutarch, a democratic affiliation, for, if his version is to be trusted, the responsibility for Athens' salvation lay not with the Areiopagos but with the great populist leader Themistokles. The further claim has been made that the discrepancy between the versions of 'Αθπ. and Kleidemos finds its context within a climate of contemporary political warfare in Athens, wherein "conservatives" argued for an extension of Areiopagite influence in government and "democrats" argued instead that Areiopagite jurisdiction be limited.



Each side of the debate, it is held, accompanied its claims with references to historical precedent, “conservatives” seeking to portray the ancestral standing of the Areiopagos as weighty, “democrats” meanwhile belittling its historical importance.<sup>142</sup>

The reasoning outlined above admits of a palpable circularity. It is one matter to state that the authors in question slanted and tilted their individual presentations of the episode in ways that suited their argumentative stances; quite another to suppose that disagreement reflects a contemporary climate of debate concerning the ancestral standing of the Areiopagos. The decree of Demosthenes of c.344 indicates that most Athenians, regardless of their political allegiance, recognised that the Areiopagos had at one time played an important role in government and administration.<sup>143</sup> Even, then, if the Atthidographers did dispute the extent to which the Areiopagos was involved in the distribution of money on the eve of Salamis, it does not necessarily follow that differences in historical judgment arose from allegiance to two different traditions of thinking within the political arena, one amplifying the ancestral importance of the Areiopagos, the other downplaying it. On the contrary, the sheer fact that authors did disagree with one another on this very issue illustrates that their differences had little, if anything, to do with contemporary political debate. If collated with the references in *’Aθπ.* to disputes among literary figures over the historical significance of Solon’s reforms, the divergence between Kleidemos and the source of *’Aθπ.* on the question of who benefited the people before Salamis may be measured on purely literary criteria. Kleidemos claimed that Themistokles had re-distributed moneys. He also stated that Themistokles drew political capital from his action. Whether politically motivated or not, the anecdote preserved by Kleidemos was susceptible to serious manipulation at the hands of overtly anti-democratic writers such as Theopompos, who could easily have taken over the anecdote and re-interpreted its significance to make Themistokles fall into a tradition of pernicious demagogues who, beginning with Solon, adopted radical policies in the interest of their own political advancement. The source behind *’Aθπ.*, rather than representing an oligarchic counterstroke to Kleidemos, may instead have been writing in response to a more recent writer, who, incorporating into his own narrative a tradition derived from Kleidemos, exploited it to cast Themistokles as a rogue and a demagogue. To minimise this potential, *’Aθπ.*’s source eradicated from the picture the figure of Themistokles and attributed the benefaction to an institution like the Areiopagos. This re-construction is admittedly speculative, but it can explain



authorial divergence without recourse to the untenable hypothesis that the historical standing of the Areiopagos was a matter of serious debate in the political arena.

Jacoby attributed oligarchic sympathies to Androtion chiefly on the grounds of a citation by Plutarch concerning the Solonian *σεισάχθεια*. The majority of ancient writers believed the *σεισάχθεια* to have been a debt-relief measure, but Androtion in contrast characterised it as a reform of coinage standard. Plutarch noted ideological significance in Androtion's account, which, he claimed, set Solon in a more moderate light, and Jacoby concluded that the *Atthis* of Androtion represented the conservative strand within local historiography prior to 'Αθπ.<sup>144</sup> With few exceptions, scholars ever since have accepted Jacoby's analysis of Androtion and of the purpose of his *Atthis* as a propagandist pamphlet with anti-democratic leanings.<sup>145</sup> Rarely, however, has the account of Androtion been estimated in light of the debate outlined by 'Αθπ., which, though implying that historical re-construction of the *σεισάχθεια* did have political potential, characterises the debate between οἱ δημοτικοί and writers of an opposite persuasion as involving not the substance of the *σεισάχθεια* but simply whether Solon in enacting the *σεισάχθεια* did so in the interest of the rich or the poor.<sup>146</sup> According to 'Αθπ., critics of Solon – those, by implication, of an oligarchic inclination – claimed that the *σεισάχθεια* was an attempt on Solon's part to advance his own political standing, for he had alerted some of his wealthy friends in advance of an impending debt-relief measure so that they could borrow money extravagantly and not be saddled with an accruing debt; those of a democratic leaning, meanwhile, countered this accusation with the defense that Solon had been out-maneuvered by the rich and, while keeping the interests of the poor at heart, was forced by circumstances to compromise. If 'Αθπ. characterises the debate accurately, it would appear, contrary to modern re-constructions, that anti-democratic writers did not in fact depict Solon's measures as moderate, as did Androtion, but rather as radical in format, even though his intention had been to benefit himself and a small circle of political associates. If so, Androtion's version need not be envisaged as anti-democratic in intent but, on the contrary, as a counterstroke to the claims of historians, such as his near contemporary Theopompos, who sought to depict Athens' esteemed lawgivers as dirty opportunists.

Androtion's divergence from the *opinio communis* can better be understood as an attempt not to take one side of a contemporary political debate in which advocates of this or that kind of measure sought historical precedence in Solon but as an effort to



depict Solon as accurately as possible in light of all the available evidence. Jacoby's estimation of Androtion proceeds from the unquestioned premise that debt-relief was an active political issue in Androtion's time, even though evidence of such debate is unattested in fourth-century sources.<sup>147</sup> To gain a better understanding of Androtion's motives, consideration must be taken of the possible reasons why writers of the fourth century spoke a *σεισάχθεια* in the first place. Careful examination of the fragments of Solon's poetry might lead to the conclusion that the *σεισάχθεια* is nothing more than a literary construct and has no origin whatsoever in popular Athenian tradition. The implications of this conclusion, if correct, are far-reaching, because they suggest that Androtion, as well as authors before and after him, treated a theme that arose not from the battle-cries of fourth-century politicians but from literary exegesis connected specifically with Solon's poems. In a fragment of a Solonian poem preserved in 'Αθπ. the poet states that he plucked up ὄροι from the dark soil of Attica.<sup>148</sup> By the late fifth century, Athenians had developed the habit of marking with ὄροι land hypothecated as surety on loans.<sup>149</sup> Fourth-century readers will naturally, if falsely, have inferred that the ὄροι mentioned by Solon demarcated land encumbered through debt and that their removal amounted to a clean slate.<sup>150</sup> Androtion rejected the idea that Solon had instituted a complete abolition of debts not because of some hypothetical connection with a political group seeking to diminish Solon as a democrat but rather in an effort to portray the *σεισάχθεια* in terms he felt were consistent with Solon's character as revealed in the poems. Solon spoke at length of the virtues of pursuit of moderation and eschewal of excess.<sup>151</sup> Androtion's portrait of the *σεισάχθεια* as a moderate solution to a crisis is wholly in character with the image of moderation conveyed by the Solonian poems, and, even if the poems might have been far more allegorical than Androtion or his contemporaries imagined, the debate over the *σεισάχθεια* need have been conditioned not by affinity to political groups advocating or discouraging clean-slate bills but rather by the fact that Solon's poetry was interpreted in different ways in the classical age and by the possibility that authors understood the "economic reforms" of Solon in ways depending on how they chose to interpret his poetry.<sup>152</sup>

The upshot of the argument is that the fragments of the *Atthides*, though they illustrate beyond reasonable doubt that history was re-constructed in different ways throughout classical antiquity, do not support the idea that historiography was driven necessarily by differences in political allegiance. If the historical disputes in each



case are examined closely, it is far from obvious that historians of the fifth, fourth and third centuries issued different versions of a particular episode or particular lawgiver to satisfy contemporary political factions with which they were affiliated. Though writers did re-construct history in different ways, and though differences in historical re-construction were at times driven by differences in ideological leaning, the modern idea that local historiography serviced the needs of Athenian politicians assumes what needs to be proved. The debates evident in fourth-century theoretical treatises as to whether Solon was a democrat or the author of a mixed constitution had no relevance to contemporary political discourse but found their context within a narrow literary and philosophical circle.<sup>153</sup> Likewise, the debates alluded to in 'Αθπ. among fourth-century historians over particular aspects of Athenian history, while perhaps reflecting in some instances inherent liking or disliking of democracy on the part of the authors in question, need not imply that the debates found their relevance beyond a closely circumscribed literary circuit. Athenians, as examination of the independent evidence has shown, did not actively debate their history in the political arena. Though public perceptions of history were at times fraught with internal contradiction, Athenians on the whole held uniform historical notions, and, when history was invoked to support a particular proposal or measure, invocations of this kind implied uniformity among the convictions and beliefs of the public. Even if one or two of the Atthidographers held identifiable political sympathies, it must not be assumed *a fortiori* that the aim of their historical treatises was to influence contemporary Athenian politics. For the most part Athenians held their democracy in high esteem and, as the oratorical allusions reveal, ascribed their political system to Solon.<sup>154</sup> If fourth-century literary figures disagreed, dissent was a function not of allegiance to political "parties" in the assembly but of the fact that, as literary figures, they sought to narrate history in idiosyncratic ways and without conformity to the ideologies and dogmas of ordinary Athenians.

### 3.7. The political dimensions of Atthidography (II): The *Atthis* of Philochoros.

The argument presented in this chapter has been complex, and, before attempting to estimate the purpose of Philochoros' *Atthis*, it will be helpful to summarise the main conclusions reached hitherto. In brief, local historiography at Athens, as elsewhere, was *not* a function of political war in the public sphere. While historians and literary figures of all varieties slanted history, tendentious treatments of historical events and



personalities in literature need not imply an allegiance to a political group at Athens. Scholarly consensus has held that the *πάτριος πολιτεία* was a bone of contention in the classical and Hellenistic ages and that political groups, bound either by kinship or by ideology, projected partisan views of history that fed subsequently into literature. While historiography from the time of Herodotos was tendentious, in most cases it is misleading to hold that *Tendenz* was a product of dispute within the political arena. Trends of thought detectable in historical literature often held little in common with the historical perceptions of the Athenian public, and when historians wrote with a polemical edge their intention was not to vent one side of a public dispute but often to discredit public historical perceptions *in toto*. An example of this can be adduced in Herodotos' treatment of the demise of the Peisistratid tyranny: while the Athenian public saw Harmodios and Aristogeiton as architects of their liberty, historians from Herodotos to Philochoros held that the cause of the overthrow of the Peisistratidai was not the deed of the tyrannicides but the expulsion of Hippias at the hands of Sparta and the Alkmaionidai. When later authors vied with Herodotos, the point of rivalry was not the substantive issue of who should take credit for the demise of the tyranny but method by which the argument was re-formulated and re-presented.<sup>155</sup>

This final section draws together the conclusions of the preceding discussion and, as far as the evidence permits, estimates the place of Philochoros' *Atthis* within a tradition of local historical writing extending back to Herodotos and Hellanikos. Though the number of attested fragments pertaining to constitutional history is small, they are not so sparse as to preclude investigation into Philochoros' overview of the development of the democracy and his debt to a theoretical tradition that began with the philosophical schools of the fourth century. Its thesis is that Philochoros, like Aristotle and the author of *'Αθπ.*, visualised the history of the constitution in terms of a progression from oligarchy to democracy. This vision had little in common with the manner in which ordinary Athenians perceived history and furthermore had little grounding in documentary research. Rather, it came into existence in the Lyceum. Philochoros adopted the Aristotelian model not for reasons of ideological affiliation but simply because of the influence of the theories of Aristotle on subsequent authors and schematised history in such a way as to mould a material tradition inherited from Atthidographic predecessors into a theoretical framework dictated by his more recent philosophical forebears. As can be seen at a glance, this approach differs from that of Jacoby in that, whereas Jacoby regarded Philochoros *qua* Atthidographer to have



written history in conformity with a view of the *πάτριος πολιτεία* held by a political faction in the assembly, it pays closer attention to Philochoros' relationship with his literary predecessors, in particular Aristotle and the author of *Ἀθπ.*, and the influence of those authors on subsequent literary presentations of history.

It is perhaps best to expound *verbatim* those fragments of the *Atthis* that can be said to have specific relevance to the history of the constitution. What follows is a series of citations by late antique and Byzantine lexicographers with translations:

STEPH. BYZ. s.v. Ἄρειος πάγος· ἀκρωτήριον Ἀθήνησιν, ὡς Ἀπολλόδωρος ἐν τῷ Περὶ Θεῶν θ', ἐν ᾧ τὰς φονικὰς κρίσεις ἐδίκαζον διὰ τὰς ἀπὸ τοῦ σιδήρου γινομένας μαιφονίας. Φιλόχορος δ' ἐν Ἀτθίδος β' βιβλίῳ, ὅτι Ἁλινρόθιον τὸν Ποσειδῶνος ἀποθανεῖν ὑπὸ Ἄρεος, βιαζόμενον [διὰ] τὴν Ἀλκίπην τὴν αὐτοῦ θυγατέρα. [The Areiopagos: a promontary at Athens, according to Apollodoros in the ninth book of his treatise *On the Gods*, on which they used to hold homicide trials for killing by the sword. Philochoros in the second book of the *Atthis* (states) that Halirrhothios son of Poseidon was slain by Ares for raping Alkippe his daughter.]<sup>156</sup>

MAXIM (CONF.) SCHOL. DIONYS. AREOPAG. *Patrol. Gr.* 4 p. 16 Migne: ἐκ γὰρ τῶν ἐννέα καθισταμένων ἀρχόντων Ἀθήνησι τοὺς Ἀρεοπαγίτας ἔδει συνεστάναι δικαστάς, ὡς φησιν Ἀνδροτίων ἐν δευτέρᾳ τῶν Ἀτθίδων· ὕστερον δὲ πλειόνων γέγονεν ἢ ἐξ Ἀρείου πάγου βουλή, τουτέστιν ἢ ἐξ ἀνδρῶν περιφανεστέρων πεντήκοντα καὶ ἑνός, πλὴν ἐξ εὐπατριδῶν, ὡς ἔφημεν, καὶ πλούτῳ καὶ βίῳ σώφρονι διαφερόντων ὡς ἱστορεῖ Φιλόχορος διὰ τῆς τρίτης τῶν αὐτοῦ Ἀτθίδων. .... p.17: ἐδίκαζον οὖν Ἀρειοπαγῖται περὶ πάντων σχεδὸν σφαλμάτων καὶ παρανομιῶν, ὡς ἅπαντα φησιν Ἀνδροτίων ἐν πρώτῃ καὶ Φιλόχορος ἐν δευτέρᾳ καὶ τρίτῃ τῶν Ἀτθίδων. [From the nine established archons at Athens it was necessary to create judges, according to Androtion in the second book of the *Atthis*; later the Council of the Areiopagos became greater – that is, fifty-one of the most distinguished men exclusively of noble status, as we have said, and noted for their wealth and sober living, according to Philochoros in the second and third books of his *Atthis*. ... The Areiopagites used to conduct trials for almost all crimes and offences – all, according to Androtion in the first and to Philochoros in the second and third books of the *Atthides*.]<sup>157</sup>

MICHAEL SYNK. *Enc. Dionys. Areopag.* ebd. p.620: τῶν ἐν Ἀρείῳ πάγῳ δικαστῶν χρημάτιζε... ὡν τὸ τοῦ γένους περίοπτον καὶ μεγαλόδοξον τοῖς τῶν Ἀτθίδων συγγραφεύσιν Ἀνδροτίωνί τε καὶ Φιλοχόρῳ κατὰ πλάτος ἱστορεῖται. [He mentioned the Areiopagite judges, said by the Atthidographers Androtion and Philochoros to have comprised the best and most highly distinguished by birth.]<sup>158</sup>

LEX. CANTABR. p. 351, 10 N: νομοφύλακες ἕτεροί εἰσι τῶν θεσμοθετῶν, ὡς Φιλόχορος ἐν τῇ ζ'. οἱ μὲν γὰρ ἄρχοντες ἀνέβαινον εἰς Ἄρειον πάγον ἐστεφανωμένοι, οἱ δὲ νομοφύλακες στρόφια λευκὰ ἔχοντες καὶ <ἐν> ταῖς θεαῖς ἐναντίον <τῶν ἐννέα> ἀρχόντων ἐκαθέζοντο, καὶ τὴν πομπὴν ἔπεμπον τῇ Παλλάδι. τὰς δὲ ἀρχὰς ἠνάγκαζον τοῖς νόμοις χρῆσθαι, καὶ ἐν τῇ



ἐκκλησίᾳ καὶ ἐν τῇ βουλῇ μετὰ τῶν προέδρων ἐκάθηντο, κωλύοντες τὰ ἀσύμφορα τῇ πόλει πράττειν. ἑπτὰ δὲ ἦσαν καὶ κατέστησαν, ὡς Φιλόχορος, ὅτε Ἐφιάλτης μόνον κατέλιπε τῇ ἐξ Ἀρείου πάγου βουλῇ τὰ ὑπὲρ τοῦ σώματος. [The guardians of the laws: They are different from the lawgivers (*thesmothetai*), according to Philochoros in the seventh book. For whereas the latter were archons who ascended crowned to the Areiopagos, the guardians of the laws used both to sit opposite the nine archons during public spectacles wearing white garments and host the procession to Pallas. They compelled the archons to use the laws and sat with the *proedroi* in the council and assembly. They numbered seven and were established, according to Philochoros, when Ephialtes left to the Council of the Areiopagos only the right to try homicide cases.]<sup>159</sup>

Of all the fragments of the *Atthis*, these are the only four that can be said to reflect in any meaningful way Philochoros' conception of the origins and growth of the democracy. Though none are *verbatim* citations of Philochoros, the opinions of Philochoros evidently conformed to a theoretical model similar in form and intent to that which underpinned the text of Ἀθπ. Philochoros' views, as represented by his excerptors, were these: (1) the Areiopagos acquired its name because Ares was tried for the killing of Poseidon's son Halirrhothios; (2) the Areiopagos was created from the nine archons at Athens; (3) at some point in its early history the Areiopagos witnessed ascendancy, though whether it became greater in number or in competence is not immediately clear from the citation of Maximus; (4) the Areiopagite Council numbered fifty-one of the most distinguished men in Athens, and its members were taken exclusively from the nobility; (5) the Areiopagos prior to Solon (and possibly after Solon also) was encumbered with the responsibility of adjudicating all crimes and offences; and (6) the Areiopagos lost its prestige and influence in the time of Ephialtes, who left it with the prerogative only to hear cases of homicide.

The fragments listed above survive under the authority of late authors, and it is possible in each case that the precise testimony of Philochoros has been distorted substantially. The identification of the Areiopagites with the Fifty-One was rejected by Jacoby as a mistake by Maximus the Confessor, and it has been argued also that Philochoros could not have ascribed to Ephialtes the creation of the νομοφύλακες, not least for the fact that his excerptor was drawing from the seventh book, which, as we know on independent grounds, covered the period from 322/1 to 308/7 and could not therefore have contained information pertaining to events over a century earlier.<sup>160</sup> Nevertheless, whether we believe that certain details such as the identification of the Areiopagos with the Ephetai did not come from Philochoros but his excerptors, the



fragments taken together give the distinct impression that, like the political theorists of the previous century, Philochoros was indebted to a tradition of thinking that held the Athenian constitution to have evolved through a series of changes (μεταβολαί/μεταστάσεις); the fragments of the *Atthis*, however inadequately preserved, paint a clear picture of an oligarchic institution – in this case, the Council of the Areiopagos – being gradually eroded and replaced over time by more “democratic” organs of government. Like Aristotle and Ἀθπ., Philochoros saw the Areiopagos as having at one time comprised only the Attic nobility and having wielded a total monopoly on power, which, following a series of constitutional changes between the time of Solon and Ephialtes, devolved on more democratic organs; the result was that, after 462/1, the Areiopagos held jurisdiction only over cases of homicide, and Athens came to possess a plurality of institutions like the assembly, council and heliastic courts.<sup>161</sup>

There is, however, an important distinction to be noted between the model of constitutional development established by the Aristotelian school and the model as reflected, however faintly, in the extant remnants of Philochoros. While the former saw the Areiopagos prior to Solon as having held a monopoly in the judicial sphere, Philochoros qualified the picture by including an aetiology of the name “Areiopagos” inherited from Atthidographic sources.<sup>162</sup> The aetiology has a qualifying effect, for its purpose is to illustrate the origin of the Areiopagos *as a homicide court*. Comparison with fragments of Hellanikos preserved respectively in the *Suda* and in a scholion to Euripides’ *Orestes* indicates that Philochoros acquired his mythological material on the origins of the Areiopagos from Hellanikos, who had expatiated at some length on the reasons why the Areiopagos - the “Hill of Ares” - acquired its name and included a list of mythical trials held on the Areiopagos dated by generation intervals.<sup>163</sup> The fact that Philochoros took over material from Hellanikos and incorporated it within his account of the pre-Solonian Areiopagos is itself significant, for it suggests that his exposition incorporated Aristotelian and pre-Aristotelian elements: whereas the pre-Aristotelian stratum treated the early Areiopagos as a court of homicide from its first inception, the Aristotelian stratum turned the early Areiopagos into a grand council of state that held jurisdiction over every offence. Philochoros synthesised in the early books of the *Atthis* two independent traditions concerning the origins of the Areiopagos, one Atthidographic (*i.e.* Hellanikan) that envisaged it as originating as a mere tribunal for homicide, the other Aristotelian that - in conformity with the view that the democracy evolved from



oligarchic roots - saw the Areiopagos as having, so to speak, originated as the constitutional arm of the Attic nobility.

This hypothesis may be tested more closely. Hellanikos, as cited in the Suda, stated that the Areiopagos acquired its name when Ares was brought to trial for the murder of his daughter's assailant Halirrhothios; because Ares was tried on a hill on the south-westerly slope of the Akropolis, that same hill came to be known as the Hill of Ares (*viz.* Ἄρειος πάγος).<sup>164</sup> In this respect Hellanikos and Philochoros stand in agreement. Hellanikos and Philochoros appear to have agreed on the aetiological significance of the myth, which casts the Areiopagos as having originated as a court of homicide: because Ares was tried for the murder of Halirrhothios, by implication the Areiopagos originated as a court specially empowered to try cases of homicide. But there is an important distinction to be drawn between the respective accounts of Hellanikos and Philochoros. Hellanikos is not known to have expressed the view at any point in his *Attic History* that the Areiopagos subsequently acquired jurisdiction over cases besides homicide; though Jacoby believed that the tradition of Orestes' trial for the murder of his father's assassin is evidence that Hellanikos did envisage a rise in Areiopagite influence, the overwhelming indication of the mythological data is that the status of the Areiopagos empowered to hear premeditated homicide was established, in Hellanikos' view, *by the end of the regal period*.<sup>165</sup> Philochoros, in contrast, is cited for the testimony that the Areiopagos later became greater, with the result that by Solon's time it was competent to hear *every* category of offence. If the opinions of the Atthidographers are correctly represented, the logical implication is that, between Hellanikos and Philochoros, Atthidography had incorporated the idea that the Areiopagos, though originating as a homicide tribunal, had grown during the regal period and, presumably with the demise of the Attic kings, came to represent the central constitutional organ through which the ruling oligarchy governed Athens.

The question before us is the origin and significance of this shift. Scholars in the past have argued that local Attic historiography split into two branches in respect to the early Areiopagos, one democratic that downplayed its ancestral role and turned it into a homicide court, the other oligarchic that emphasised its historical status as the chief governing body in pre- and in post-Solonian Athens.<sup>166</sup> On that view, the tradition surviving in the *Atthis* of Hellanikos conforms to a democratic tradition in public circulation in the late fifth century, when Athens had only recently shaken off the tenure of the Areiopagos on jurisdiction and thus, in conformity with an ideology



extolling unbridled democracy, depicted the early Areiopagos as possessing sanction to hear homicide; the tradition represented by Androtion and Philochoros, on the other hand, endorses a conservative body of opinion arising from the political arena that amplified in perception the ancestral role of the Areiopagos in the government of the city.<sup>167</sup> This chapter has argued that differences in the way writers reconstructed history do *not* reflect a background of dispute in the political arena over the *πάτριος πολιτεία*, and, though historians and theorists of the fifth, fourth and third centuries presented local history in different ways and with different points of emphasis, the peculiar slants detectable in their narratives must be explained with reference to the needs and standpoints of each individual author and not to connections with political “parties” and to other interest groups in the public sphere. The data suggest at most that the ancestral status of the Areiopagos as a grand council was a thematic topos that made its way into the fourth-century literary tradition and was adopted, albeit with some qualification, by Philochoros a century later. There is no indication that the Athenians of the late classical or early Hellenistic ages debated the ancestral role of the Areiopagos, for the sources imply a broad degree of consensus from c. 350 on the point that Athens, though a democracy, had once been overseen by a panel of ex-archons with extensive jurisdiction over offences affecting the welfare of the city.<sup>168</sup>

We proceed then from different principles. Hellanikos, as noted, constructed an elaborate aetiology of the Areiopagos as a court of homicide and combined it with additional anecdotal material relating to early mythical trials on the Areiopagos. The first trial was that of Ares, whence the Areiopagos acquired its name, for the murder of Halirrhothios son of Poseidon, the second that of Kephalos son of Deioneus who was prosecuted by his father-in-law Erechtheus for the killing of Prokris, the third of Daidalos for the killing of his sister Talo, the fourth of Orestes for the murder of his father’s killer Aigisthos. The significance of the mythology lies in its chronological schematisation. Hellanikos’ purpose is to make the chronology of the trials conform to the traditional foundation dates of the Palladion and Delphinion, which together with the Areiopagos, the Phreatto and the Prytaneion constituted the five homicide courts in the classical age.<sup>169</sup> Striking about the trials narrated by Hellanikos is that they correspond to three of the five categories of homicide outlined in classical law. The trials of Ares and Orestes would in later terminology have been classed as *φοβοὶ δίκαιοι* (justified homicide), which in classical times would have been heard in the



Delphinion; the trial of Daidalos would have been classed as a φόνος ἔκ προνοίας (intentional homicide/murder), which in classical times would have been tried before the Areiopagos; the trial of Kephalos for its part would have been classed as φόνος ἀκούσιος (unintentional homicide), which in classical times would have been heard in the Palladion.<sup>170</sup> Independent data illustrate that ancient literary tradition dated the foundations of the Delphinion to the reign of Theseus and of the Palladion to the time of the νοστροί, and, though there is no evidence as to the ultimate provenance of these dates, there is good reason to suspect that the dates come from Hellanikos.<sup>171</sup> To make the collective body of myth chronologically compatible, Hellanikos adopted a system of generation dating, so that (*e.g.*) the trials of Ares and Kephalos, which in the classical age would have been heard before other homicide tribunals, could have been characterised legitimately as trials before the Areiopagos in the regal period.<sup>172</sup>

Yet there is a difficulty. According to Aischylos, Orestes avenged the murder of his father Agamemnon, and, had Hellanikos been following Aischylos faithfully, the trial of Orestes, whose offence corresponded to a φόμος δίκαιος, ought to have taken place *prior to* the creation of the Delphinion.<sup>173</sup> But Hellanikos cannot have followed Aischylos' version in its entirety, for he envisages the trial of Orestes as the fourth before the Areiopagos and places it *after* the creation of the Delphinion. By implication, he cannot have envisaged the trial of Orestes as a φόμος δίκαιος, unless his account contained a serious chronological discrepancy. Aware of this oddity, Jacoby postulated that Hellanikos had combined two independent versions, one taken from contemporary oral sources synchronising the creation of the Areiopagos as a homicide tribunal with the trial of Ares, the other from the poet Aischylos, who, he supposed, had invented the myth of Orestes' trial outright; Hellanikos' aim, he argued, was to make literary tradition - in this case, the tale derived from Aischylos - compatible with oral tradition.<sup>174</sup> Jacoby's re-construction assumes that Hellanikos constructed his narrative from oral sources and fails to consider the possibility that, like his predecessor, he invented his own mythology. If, rather than assuming that Hellanikos *qua* historian was of a different ilk to the poet Aischylos and indisposed to invent his subject matter, it is recognised that Hellanikos *qua* literary figure held much *in common* with Aischylos, the possibility arises that the first three trials narrated by Hellanikos, as well as the foundation dates of the various other homicide tribunals, were Hellanikan inventions. The trial of Orestes, in that case, was the *only*



traditional element in the Hellanikan schema – traditional in the sense of taken over from an earlier source - and was re-calibrated by Hellanikos to suit the broader interpretative claims of his narrative, namely that the Areiopagos became a court of homicide not, as Aischylos had held, when Orestes took refuge at Athens after the murder of Aigisthos but at an earlier date, when Ares was prosecuted by Poseidon.<sup>175</sup>

If correct, this analysis demands that the tradition behind Philochoros be seen in a different light. Whereas scholars in the past have analysed local historiography surrounding the Areiopagos into two strands, democratic and oligarchic, this analysis envisages it as one evolving tradition that began with Aischylos and was re-shaped at the hands of subsequent writers, each embellishing and moulding it to suit the basic interpretative needs of his narrative. Hellanikos, for his part, polemicised against the view of his predecessor, Aischylos, that the Areiopagos was instituted in the time of Orestes by retrojecting its foundation to the time of Ares, as etymology dictated, and re-formulating the myth of Orestes as though he stood trial for something other than φόνοϲ δικάιοϲ.<sup>176</sup> The myth received continual further embellishment at the hands of Hellanikos' successors, beginning with Androtion, who, in line with the historically more accurate view of the Areiopagos as an oligarchic council with sweeping powers in city administration, characterised the early Areiopagos as a grand council of state. This was made possible by inventing the tradition that the Areiopagos had grown in power and influence at some late point in the regal period. Ἀθῆναι took the tradition a stage further by turning the Areiopagos into a φύλαξ τῶν νόμων, a preconception probably derived by analogy with contemporary roles.<sup>177</sup> Philochoros, who identified the Areiopagos with the Fifty-One, represents the final stage in the overall development of the tradition stretching back to Aischylos.

The question remaining is why Philochoros took this final step. Independent evidence, the most important of which is the epigraphical copy of Drakon's homicide law, attests that archaic Athens knew a board of officials numbering fifty-one known as the Ephetai. Unless the early Areiopagos was identical with the fifty-one Ephetai, the implication is that either Philochoros or his excerptor Maximus had confused the two institutions.<sup>178</sup> Jacoby assumed that the identification of the Areiopagos with the Fifty-One was an error on the part of Maximus, mainly on the grounds that archaic documentation makes a distinction between the Areiopagos and the Ephetai and that a prudent scholar of Philochoros' standing could not have been unaware of the distinction. But Jacoby's judgment does scant justice to the question, since, if we



consider the nature of the tradition inherited by Philochoros, the identification of the Areiopagos with the Fifty-One serves not only to re-concile the two strands of the pre-existing tradition but to make it compatible with evidence supplied by Drakon's homicide law that jurisdiction over homicide was the preserve not on the Areiopagos but of the Ephetai. The crucial documents with which scholars both of antiquity and of modern times have grappled are Drakon's law on homicide, re-published on stone in the last decade of the fifth century, and a law of Solon granting amnesty to all but those who had been convicted for homicide, assault and tyranny. Discussion of the first of these documents will be postponed for the ensuing chapter, which deals in part with the nature of documentary transmission at Athens and the availability of reliable documentation to historians and writers of the late classical and early Hellenistic ages.<sup>179</sup> For now it will be taken for granted that the re-published law of Drakon is a replica of the original and that writers down to the time of Plutarch based their conjectures on a genuine document. The question at present is the use made by Philochoros of this text and the possible influence it wielded on the identification.

The amnesty law on close inspection implies that at the time of its passage the Ephetai possessed jurisdiction over homicide and the Areiopagos over tyranny. Its text runs: ἀτίμων ὅσοι ἄτιμοι ἦσαν πρὶν ἢ Σόλωνα ἄρξαι ἐπιτίμους εἶναι πλὴν ὅσοι ἐξ Ἀρείου πάγου ἢ ὅσοι ἐκ τῶν ἐφετῶν ἢ ἐκ πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνῳ ἢ σφαγαῖσιν ἢ ἐπὶ τυραννίδι ἔφευγον ὅτε ὁ θεσμός ἐφάνη ὅδε.<sup>180</sup> Ruschenbusch observed that the wording is chiasmic: the relative pronoun ὅσοι appears twice, once before the phrase ἐξ Ἀρείου πάγου and another time before ἐκ τῶν ἐφετῶν ἢ ἐκ πρυτανείου; the preposition ἐπὶ also appears twice, once before φόνῳ ἢ σφαγαῖσιν and another time before τυραννίδι. He went on to infer that the double instance of each word creates a mirror-like effect, whereby the phrase ὅσοι ἐκ τοῦ Ἀρείου πάγου is coupled with ἐπὶ φόνῳ ἢ σφαγαῖσιν. The logical implication is that the Ephetai in early Athens held jurisdiction over homicide, the Basileis sitting in the Prytaneion jurisdiction over assault (if this is the meaning of σφαγαῖσιν), and the Areiopagos jurisdiction over tyranny.<sup>181</sup> The amnesty law, if genuine, must surely imply then that in archaic Athens the Areiopagos was recognised as the tribunal before which came cases not of homicide but of tyranny and subversion. Yet there is a problem. Hellanikos and Aischylos both envisaged the Areiopagos to have originated as a court of homicide, while the later Attidographic tradition beginning with Androtion held that the early



Areiopagos wielded jurisdiction over every class of offence. Either the law is not genuine, or the literary tradition beginning with Aischylos and culminating with the author of 'Αθπ. has no reliable documentary foundation. Old-fashioned doubts about the authenticity of the Solonian amnesty law have been refuted by clear and cogent arguments in more recent times that the archaic monuments on which the laws of Drakon and Solon were inscribed survived for later consultation in the classical and Hellenistic periods. The only logical explanation left is that literary authors down to the time of 'Αθπ. based their accounts not on documentary material at all but created fantastical pictures of the Areiopagos that had no basis whatsoever in historical fact.

How does Philochoros stand in relation to this assessment? The Solonian law granting amnesty implies a plurality of judicial institutions in existence prior to the time of Solon. Thus, Philochoros' statement that the early Areiopagos wielded wide jurisdiction over every class of offence is plainly unhistorical. Yet Philochoros was writing within a tradition of historiography that ascribed to the Areiopagos rights of jurisdiction in every sphere. As an historian and writer working within the bounds of an established tradition of thinking, Philochoros needed to shape within his account an inherited body of material and do so in a way that made as much sense as possible of the available historical data. As will be argued at greater length in the following chapter, Philochoros' primary source of historical evidence consisted in documents drawn from the archives of the city. If so, Philochoros will have been familiar with the Solonian amnesty law and furthermore will have been sensitive to its subversive historical implications. In order to make the tradition culled from his Atthidographic predecessors logically compatible with historical documentation, Philochoros cut the Gordian's knot by equating the Areiopagos with the Fifty-One and thus re-conciled the conflicting data by depicting the Areiopagos to represent every constitutional body in pre-Solonian Athens. Following this re-construction, we must suppose that Philochoros envisaged the Solonian reforms as being the crucial landmark in Athens' constitutional development when powers previously monopolised by the Areiopagos were distributed over other constitutional bodies such as the Ephetai. His account, *qua* rationalisation, may have little historical value, but it is not the historicity of Philochoros' account that should determine our judgment of him as an historian. Rather, his worth as an historian should be measured in terms of his ability to work within the bounds of an established literary tradition and, with the resources at his disposal, re-concile as best he could the contradictions in the tradition he inherited.



The conclusion that arises from this complex discussion is that Philochoros' aims as an historian were not to voice an ideologically slanted view of local history but to take hold of a tradition acquired from literary predecessors and both to format and to supplement it with new material using the resources available to him. As with all historians and writers dating back to Homer, Philochoros strove to assert his own authority over that of his predecessors, and to achieve this objective he expanded and re-formulated traditional subject matter so as to give it his own authorial stamp. The overview of Athenian history presented in his *Atthis* will have shared little with the historical perceptions and dogmas of his contemporaries, who, in distinction both with Philochoros and with fourth-century predecessors, held faith in a political continuity stretching back at least as far as Solon and to whom the idea that Athens' democracy and institutions evolved from more oligarchic systems of government was quite alien. Philochoros, *pace* Jacoby, was not a politician operating in literary guise; his function *qua* Atthidographer was far removed from the concerns of the contemporary political arena. Rather, the universe in which the *Atthis* was conceived was literary, and Philochoros' object of emulation was not a rival body of opinion emerging from the assembly so much as a tradition of historiography stretching back to the fifth century.

## IV

### Sources and Methods

The previous chapter considered the aims with which historians from Herodotos down to Philochoros composed treatises pertaining to the history and antiquities of Athens. It was argued that, while historians presented history from different angles and with different points of emphasis, the idea that they fashioned their narratives to suit the claims of political parties and groupings within the Athenian assembly entails a false conception of the relationship between literary accounts of history and the beliefs and dogmas of the historian's contemporaries. Herodotos' digression on the foundation of democracy at Athens illustrates, contrary to the claims of Jacoby and many since, that the writing of history operated independently of contemporary public ideology, and, when a writer depicted history in a particular way, his depiction need not have fallen into alignment with the historical preconceptions of the Athenian public. Trends, moreover, in literature often developed in an "autonomous" fashion, and by the late fourth century the tendency became entrenched in literary circles to characterise the democracy in terms of political and constitutional evolution; this was a function not of ideological polemic within the contemporary political arena nor an attempt to voice the claims of political groupings within the Athenian assembly that disapproved of democracy but of late fourth-century theoretical discussions that culminated in the Lyceum. Athenians believed that the democracy they practised was the democracy bequeathed by Solon, and "evolutionary" conceptions of democratic growth embodied in 'Αθπ. and echoed in Philochoros in no sense typified popular Athenian belief.

We turn now to the third and final aspect of Jacoby's theory concerning the sources from which the Atthidographers re-constructed Athenian history. As with our assessment of the claim that local historical writing at Athens germinated in a climate of political warfare, enquiry into sources and methods cannot base itself exclusively on the meagre remnants of the *Atthides* themselves but must frame itself in broader theoretical terms. Specifically, the chapter focuses upon the evidence for materials



available to the historians of the late classical and Hellenistic ages and, with reference to the fragments of Philochoros' *Atthis*, measures the degree to which a chronicler of the third century might have relied on documentary material. In the process, it argues that Philochoros' debt to an earlier tradition of oral narrative was minimal and that, at least for history subsequent to Kleisthenes, investigation into earlier literary tradition could be supplemented by research into archival and documentary records. As for Athenian history prior to Kleisthenes, for which little reliable documentation existed, Philochoros, though heavily dependent upon the accounts of literary predecessors, did not passively regurgitate a received historical tradition but instead re-formulated and re-calibrated traditional material to suit the specific aims and parameters of his work. The argument presented here, though grounded in empirical data where available, involves a considerable degree of speculation and, while criticising important ideas inherited from Jacoby, does not pretend to give watertight conclusions of its own.

The following discussion is divided into three parts. The first seeks to identify the fundamental assumptions behind Jacoby's theory that the later Atthidographers were, through their debt to Hellanikos, indebted for their knowledge of early history to oral informants. Jacoby's claim that Atthidography as a genre of literature was an outgrowth of oral history depended in main on his view of the place of Atthidography within the broader category of historiography and of the nature of Atthidography as a rigid literary genre. Historiography, he maintained, was a science in which tales and legends previously transmitted orally from one generation to the next were subjected to rational cross-examination and which sought to cull historical "fact" from a wide range of oral sources. Like the epic poets before them, the first historians of Greece treated traditions about the past that had come down orally but, unlike their epic predecessors, approached these oral traditions "scientifically" – *i.e.* with scrupulous attention to their factual content. The Atthidographers *qua* historians on that theory concerned themselves with a tradition of oral provenance, and, in distinction to the antiquarians of the late Hellenistic period, their interest in documentary material minimal. Any attempt to assess the implication that Philochoros' *Atthis*, as part of a tradition of writing derived from Hellanikos, made little use of documentation must evaluate the broader claim that historiography and antiquarianism were distinct literary categories and that historical records from which later researchers might have re-constructed history did not in general exist until the late classical age.



The second section studies Philochoros' debt to and use of literary sources in his re-construction of early Athenian history. While earlier literature, beginning with epic poetry, constituted the bedrock of his research, the material he acquired from his predecessors was not reproduced uncritically or without considerable re-shaping and adjustment. Literary themes, motifs and topoi were regularly borrowed, but, as might be expected of a competent and innovative author, Philochoros re-fashioned them in ways that gave them a new meaning and significance. Furthermore, though indebted to Atthidographic predecessors, Philochoros was not locked into a tradition laid down by Hellanikos and expanded by subsequent historians and chroniclers. As a careful examination of the fragments will indicate, the bulk of his "pre-historic" material was inherited not from earlier Atthidographers but from non-Atthidographic authors, such as Homer, Hesiod, Pindar, Herodotos, Thucydides and the Attic tragedians. That is not to say that the material in question might not have come to Philochoros second-hand *via* earlier Atthidographers; on the other hand, in light of the earlier discussion of the nature of Atthidography as a literary genre (see Chapter II), it is not *necessary* that it did, and the most economical explanation of the material contained in the first three books of the *Atthis* is that Philochoros was a widely read scholar whose knowledge of existing Greek literature, both poetry and prose, was indeed extensive. The overall impression of the so-called "mythical" portions of Philochoros' *Atthis* is that they were grounded in methodical investigation and collation and that the *Atthis*, far from embodying a facile repetition of received Atthidographic tradition, entailed careful and diligent extraction of material from a wide range of earlier literature.

The third section turns to the later books of Philochoros and tries to discern, as far as evidence permits, his debt to archival documentation and record. Unlike the mythical material, whose origin was exclusively literary, the "historical" portions of Philochoros' *Atthis* were infused with material unprecedented in earlier literature. On the strength of the preceding discussion of the nature of documentary preservation at Athens (see section 4.1), it will be maintained that Philochoros obtained his material from documents preserved in city archives. Caution must of course be applied, not least since our knowledge of Greek literature prior to Philochoros is incomplete and since it is possible that the material in question came from literary sources of which we know nothing. On the other hand, the fragments exhibit familiarity with records of laws, decrees, trials, public accounts, and inventory lists, and it is precisely from public records that a third-century chronicler could know (*e.g.*) the terms of treaties,



dates of expeditions and embassies, laws, decrees of the assembly, and all matters pertaining to internal affairs of the city. Philochoros, it will be argued, synthesised a mass of documentary data that had built up since the time of Kleisthenes and related, with as much attention to detail as possible, the history of Athens to the contemporary day. For this reason alone, it is noteworthy how much of the narrative is devoted to post-Kleisthenic history, a fact explicable only on the supposition that Philochoros' evidence consisted in records amassed in archival repositories.

#### 4.1. The state of the question: Jacoby and the sources of local historical writing.

As with our investigation into the nature of *Tendenz* in fifth-, fourth- and third-century Attic historiography, it is best to begin with a quotation from Jacoby's study, in which the most important and fundamental creeds of his theory are expressed. The citation spans several paragraphs, and, in the interest of brevity, the argument is condensed:

"We now turn to the other documents, taking the term in its widest sense so that it includes all regulations concerning the external and the internal life of the city, both political and religious; the decrees of the Council and People (from the time when the latter exist), the laws containing instructions for the officials, from which the later historians inferred the constitution of the State as it was at the time when the laws were issued or as it had been founded by the laws; everything, in short, published on the part of the State and kept in the archives....The first question of course is....whether they [*i.e.* the Atthidographers] presented documents to some extent and verbatim, and whether they founded their accounts of Athenian history and of the Athenian State on documents wholly, or for certain periods, or for certain subjects (e.g. for the much discussed πολιτεία)... I infer...that no considerable collections of documents were available, at least for the earlier Atthidographers, because a systematic investigation of documents did not begin (roughly speaking) until after c. 350 B.C., and this was too late for Kleidemos and Androtion (perhaps even Phanodemos), who may be considered as sources of Aristotle, to make use of the results, even if they had wished to do so... The second point is the question on which we are engaged here: how far did the Atthidographers use documents, and how far did they wish to do so? .... We may...state...that they had no bias at all toward founding their narrative on documents. Frequently though they mention them, they do not write on the basis of documents (this would indeed be possible only for their own times). They write of those times on the basis of their own experience (as did the great historians); where this experience ceases they write on the basis of predecessors' narratives, and where such a narrative does not exist, on the basis of the general conception accepted in their circles about the development of the Attic State. They never felt the need to correct this

general conception by research in the documents; when they do correct it they achieve this in quite a different manner: using the methods of Ionian historical science they historicize a tradition wholly or partly legendary. Reduced to a formula: the line of thought of the Atthidographers is not scientific nor is it antiquarian; it is historical and political...and they evidently did not believe that the picture as it had been handed down would be changed in essential features if they consulted documents other than those readily accessible to all, and if they established the truth about some details beyond what everybody knew, viz. that the Attic State lived by the laws of Solon and the regulations of Kleisthenes. Anyone following the disputes about the *πάτριος πολιτεία*...will find again and again the same generally known facts, the difference being only in the conception and interpretation of a few fundamental facts.”<sup>1</sup>

This passage cited above, though heavily edited, evinces a transparent line of argument. The Atthidographers did not rely to any considerable degree on materials of a documentary nature. Though certain documents, such as the laws of Solon, the archon list, the ordinances of Kleisthenes, and other records of constitutional and political reform probably existed, for the most part Athenians until the middle of the fourth century were not in the habit of keeping records of their public business, and it was only in the time of Androtion and Phanodemos that copies of laws, decrees, *etc.* were kept on a regular basis in archives. Even, therefore, if the Atthidographers *were* interested in documents pertaining to earlier ages, their ability to use them as an historical resource would have been impaired by the sheer absence of public records dating before c. 350, except for the most important and well known - *e.g.* the axones and the Athenian archon list. More fundamentally, the Atthidographers in virtue of the genre in which they were writing held little interest in historical documents, for, unlike the task of an antiquarian, an Atthidographer’s task was to tell history in ways that conformed to the preconceptions and presuppositions of his own time and his own “party”. It was indeed the *political* nature of their genre that indisposed the local historians to research documentary materials, and so, even if and where such materials were available for consultation, the Atthidographers will have felt no strong impulse to gauge the accuracy of their narratives by reference to those materials.

Jacoby’s claim that the Atthidographers did not take extensive advantage of historical documents had a broader theoretical dimension, and, in order to understand the reasons for why he rejected documentary evidence as a significant resource, it is essential to consider the overriding polemic against Wilamowitz. Wilamowitz, it will



be remembered, had argued that the source of local historical writing at Athens consisted in a collection of historical notes or memoirs that had accumulated under the stewardship of a priestly board. Until they were published in the second decade of the fourth century, these notes were supposedly kept in a “pre-literary” form, updated on an annual basis by a state-appointed board, and entailed brief notices of events dated by reference to the archon who held office, as well as records of decrees and important documents. Local historiography, on that theory, as practised in the fourth and third centuries presupposes a long-standing tradition of record keeping stretching back to the archaic age and, though the contents of this tradition were not published until after Athens’ defeat in the Peloponnesian War, recording events by reference to the eponymous archon was a well-established practice by the time of the publication of the first literary chronicle.<sup>2</sup> Jacoby, in contrast, argued against the existence of these so-called “pre-literary” records and *a fortiori* maintained that the first chronicler of Athens could not have relied on substantial written tradition. Rather, his methods would have been comparable to those of his approximate contemporary, Herodotos, who, Jacoby supposed, relied on oral tradition as his chief historical source; written materials were seldom used, for, in Jacoby’s conception, historiography as a form of literature rationalised and “historicised” tales previously transmitted orally.<sup>3</sup>

The connection between historiography and orality is the crucial link in the analysis and entails a revolutionary conception of historiography as literature. Until Jacoby the prevalent assumption had been that historical writing *stricto sensu* moved in the realm of acknowledged “fact” and that the ancient Greek mind made a clear-cut distinction between the realms of history and myth. Myth, scholars thought, denoted a body of tradition whose contents were generally recognised to be fictitious and which in consequence formed the basic subject matter of epic poetry, tragedy and other genres of literature concerned less with factual narrative than with fanciful tale; history, on the other hand, was a form of enquiry whose concern lay in the realm of “historical fact” and grounded its research in materials of a “factual” nature, such as documentary records and other official memoirs preserved by priests in the Greek cities.<sup>4</sup> Jacoby saw this distinction to be simplistic. His objection was founded on the observation that Thucydides in the early chapters of his *History* envisages the events described in the Homeric poems as no different in kind to the events of the Persian Wars and does not distinguish between the respective realms of the “historical” and the “mythical”, at least not as the categories have been understood in modern times.



The crucial distinction for Thucydides lies not between a kind of literature (*e.g.* epic poetry) devoted to fantastical and another (*e.g.* history) devoted to truthful events but between two kinds of literature, one exemplified by *all* his literary predecessors, including Homer and by implication Herodotos, whose narratives dealt with epochs removed from the time of the authors by an interval of generations and the kind of enquiry in which Thucydides pioneers, whose concern was contemporary history. Significantly, Thucydides believed that knowledge of earlier epochs could reside only in hearsay (ἄκοαί). If the distinction between “the historical” and “the mythical” was at all meaningful for Thucydides, it operated, so Jacoby insisted, not between the respective realms of acknowledged truth and falsehood but between one sphere of investigation in which the raw material consisted in received tradition (ἄκοή) and another in which the raw material consisted in eyewitness testimony (ὄψις).<sup>5</sup>

The implications of this discussion for the question of the sources from which the local historians of Athens re-constructed the history of their city were seismic. Whereas scholars prior to Jacoby had dissociated the material of epic and tragedy from that of historiography, Jacoby regarded the material of these genres as basically identical and distinguished historiography from epic not in terms of the provenance and type of the material that it related but rather in terms of approach to that material. The aim of epic, he argued, was to clothe tales previously transmitted in oral contexts in a literary guise; the aim of historiography, meanwhile, was to take those tales and, rather than beautifying them, subject them to cross-examination. The technique of “scientific” cross-examination of oral tradition was, he argued, heralded by Hekataios in the sixth century and perfected by Herodotos a century later; the main innovation undertaken by Thucydides was to divert the attention of historiography from received traditions about earlier epochs toward a contemporary subject reliant upon eyewitness testimony. History, on that specification, originated as the science of exposing to cross-examination oral traditions about the past (ἄκοαί); written tradition in the form of “pre-literary” notes and memoirs was unimportant, as can be seen from the fact that the early historians of Greece make no reference to such records. The conclusion Jacoby drew from this line of reasoning was that the Atthidographers *qua* historians based their researches primarily on material derived from oral tradition: while the first Atthidographer, Hellanikos, composed his narrative using material acquired from oral informants, later historians down to Philochoros integrated Hellanikan material into



their own narratives and thus through their debt to Hellanikos owed their knowledge and understanding of early Athenian history to the oral sources behind Hellanikos.<sup>6</sup>

Nevertheless, Jacoby allowed his judgment of the historical methodology of the first Atthidographer predetermine his estimation of the Atthidographers *in toto*. In speaking of the “sources of the Atthis”, he postulated a substantive debt on the part of the fourth- and third-century chroniclers to the *Atthis* of Hellanikos, a conviction predicated on a broader conception of Atthidography as a genre of literature and of the conformity of works falling within that genre to a narrowly circumscribed set of formal and methodological criteria. If, as Jacoby assumed, an *Atthis* was by definition a chronicle, the first properly so-called *Atthis*— the *Attic History* of Hellanikos — must have been the first Attic chronicle. *A fortiori*, the *Atthides* of Kleidemos, Androtion, Phanodemos, Melanthios, Demon and Philochoros will have modelled the early parts of their narratives on Hellanikos’, following closely his annalistic rubric and perhaps expanding the tradition with extra material or else re-casting inherited tradition from a different political or ideological angle. This chain of reasoning proceeds from a set of false principles. As has been argued, the *Atthides* exhibited considerable differences both in form and in content; only two, of which one is the *Atthis* of Philochoros, can be said with any conviction to have followed an annalistic structure, and independent testimony indicates that the earliest *Atthis* was if nothing else a genealogical treatise.<sup>7</sup> Thus, even if it can be maintained that the bedrock of Hellanikos’ material was oral tradition, it does not follow that Philochoros based his knowledge of Athenian history prior to the fourth century on tradition derived from oral sources. Rather, the sources behind Philochoros may have been of an entirely different kind to those used by either Hellanikos or any of Thucydides’ predecessors, and, while the early Atthidographers may, as Jacoby postulated, have consulted oral sources, there is little good reason to assume that the material embodied in their narratives constituted a significant source for later chroniclers, whose works, and thus whose methodologies, were of a different character. If the premise that Hellanikos’ *Atthis* constituted a literary archetype for Philochoros is removed, the conclusion that the wellspring of Philochoros’ historical material consisted in oral tradition loses all justification. Instead, the question can be answered only by examining the fragments of Philochoros without preconceptions as to the nature of his genre or as to the aim of his work *qua* historical literature.

Jacoby’s insistence on the oral provenance of Attic chronicle resided not only in an excessively rigid theoretical distinction between historiography *stricto sensu* and



antiquarianism but also in the assumption that systematic record-keeping was not a feature of public practice at Athens until the late classical age, when the deposition of records of laws, decrees and of all matters of public interest into an archive called the Metroon is first attested.<sup>8</sup> Though he did not engage in an extensive discussion of his main theoretical standpoints, his views on the nature of documentary preservation at Athens prior to c. 350 seem to have owed a significant debt to the influential and at the time iconoclastic article of U. Kahrstedt, which argued that preservation of laws, decrees, *etc.* in a non-inscribed medium was unknown at Athens before the fourth century.<sup>9</sup> At the heart of Kahrstedt's case lay the observation that, whereas in the fifth century when decrees or decisions were annulled the stone on which those decrees or decisions were recorded was destroyed, in the fourth century by contrast, when a decree or law was abrogated, the normal practice was for a slave to eliminate a copy of it preserved in the Metroon.<sup>10</sup> Kahrstedt inferred from this that until the fourth century the only permanent records of decrees and other documents were inscribed stelai, which, once they had outlived their usefulness, were obliterated or disregarded, and that it was only after the end of the Peloponnesian War that Athenians began to keep systematic track of their public business in archives. The logical corollary which Jacoby deduced from his argument was that the Atthidographers, even if interested in documents, were restricted by lack of documentary material relating to earlier epochs. Kahrstedt's claims were nevertheless weak, and, if the evidence is examined from a different theoretical standpoint, a contrary impression emerges that indeed a wealth of documentation had accumulated at Athens since archaic times and was readily available to historians and antiquarians of the classical and Hellenistic ages.

The idea that Athenians until the late fifth century did not keep track of their business by archival means turns on the supposition that the poverty of inscribed materials dating from the fifth century and earlier reflects a general disregard for the importance of written record at that time. Because Athenians until the fourth century did not inscribe records of public business with any great consistency, Kahrstedt assumed that they had little regard for keeping records of any kind.<sup>11</sup> That line of reasoning has not, however, won universal acceptance. A. Wilhelm observed long ago that inscribed records need not have been the only records Athenians kept, and there have been dissenters ever since who have pointed out that administration of public affairs at Athens could not have functioned in the fifth century any better than in the fourth without an elaborate system of record keeping.<sup>12</sup> The "dissenting" argument is



strong, for plain inspection of the kinds of record inscribed in the fifth century permits the inference that stone inscriptions represent only a fraction of the total records maintained. Among the inscribed records surviving from the fifth century the vast majority are records of honorary decrees, treaties and religious regulations; records pertaining to what might be termed the "local" and "secular" realms do not for the most part survive, and, far from being an indication that no records pertaining to these realms were kept of any kind, a more plausible explanation for this phenomenon is that publication on stone was not the principal mode of record keeping and merely served to display certain kinds of texts such as foreign treaties or sacred ordinances that possessed some *prima facie* need for public display.<sup>13</sup> By the same token, the increment in the number of inscribed records dating from the fourth century need not imply that the quantity of archival records at that time increased proportionately; at most, it shows that Athenians inscribed their documents with greater regularity in the fourth century than previously but indicates no necessary change in Athenian attitudes to archival record. To state, therefore, that the paucity of inscriptions pre-dating the fourth century reflects a general disregard for written record *per se* is to engage in questionable assumptions about the importance of inscribed stelai as administrative records and about their indication of the seriousness with which written record in the most general application of the phrase was at any given time regarded.<sup>14</sup>

That Kahrstedt's position was flawed in its whole conception is confirmed by more positive arguments for the existence for systematic preservation of documents prior to the fourth century. Though conclusive evidence for the keeping of records on materials other than stone is sparse, there is nevertheless good circumstantial evidence indicating that permanent inscription was not the only means of record keeping and may, indeed, have been a subsidiary method. A clear sign that Athenians of the fifth century kept systematic records of their public business comes from a collection of decrees pertaining to relations with the Macedonian town of Methone. Interesting about the inscription is that its text comprises at least four decrees passed at different times within a period of seven years; hence, the inscribed text presupposes earlier records of the decrees, and the most economical explanation is that records were maintained in a non-inscribed medium prior to their publication on stone.<sup>15</sup> That records other than inscribed records of public documents were maintained on a long-term basis is indicated by the ability with which authors of later ages could cite legal texts inscribed copies of which had since been obliterated. Perhaps the finest example



is supplied by Plutarch, who can quote the decree by which Alkibiades was exiled for his participation in the parody of the Mysteries, even though the stone copy was, as Plutarch attests, demolished on Alkibiades' return in 407.<sup>16</sup> There are other examples from antiquity of republications of documents whose original stone records had been destroyed, of which some of the most memorable are the so-called "Attic Stelai" from the early fourth century containing the names of those proscribed for their part in the Hermokopeia; this indicates that *in spite of* the paucity of inscriptions pre-dating the fourth century Athenians from an early stage kept written track of their business.<sup>17</sup>

The circumstantial evidence for the maintenance of public records in a non-inscribed form in the fifth century puts paid to the idea that the last decade of the Peloponnesian War marked a turning point when Athenians began to keep systematic track of their public business in archives. Indeed, it is difficult to imagine how a city as administratively complex as democratic Athens could ever have functioned without an elaborate method of record keeping. Though it is true that explicit testimony to the deposition of records into a central archive is not known until 405, this may be purely accidental and need reflect nothing of the practices of Athenians prior to that time. It seems from an allusion by the orator Andokides to a decree moved by one Menippos in c. 410 "still in the Bouleuterion" that before the establishment of the Metroon as a central archive the old Bouleuterion acted as an archival repository in which records of decrees were stored, and this inference wins support in the references in inscribed documents to secretaries of the Boule, who, one might suppose, were encumbered with the duty of keeping track of public business.<sup>18</sup> That the task of preparing copies of decrees to be delivered throughout the empire devolved on secretaries of the Boule is clear from a fifth-century decree honouring the Samian Poses,<sup>19</sup> and testimony to activities of this kind can be found in a passing allusion in Aristophanes' *Birds*.<sup>20</sup> Independent evidence indicates that Athenians in the fifth century kept extensive records of their public expenditure: annual inventories were kept for the cellae of the Parthenon,<sup>21</sup> and the inscribed records of the expenses on the Propylaia and the Erechtheion contain references to secretaries who accompanied the ἐπιστάται.<sup>22</sup> These records, as will be seen in due course, will have been vital for the purposes of an historian such as Philochoros, much of whose fifth-century narrative was devoted to the building projects of the 440s and 430s.<sup>23</sup> Records of treaties seem to have been maintained on a long-term basis: an inscription of the second century containing two decrees (δόγματα) and a letter of the Delphic Amphiktyony regarding the artisans of



Dionysos enjoins the publication both at Athens and Delphi; like the inscription bearing the Methone decrees of the fifth century, this indicates that records of treaties were kept prior to their publication on stone in public archives.<sup>24</sup> Clearer signs that interstate agreements were kept in archives during the classical period can be found in the allusions of Aischines to a treaty between Athens and Philip's father Amyntas dating back to 370 recognising Athenian claims to Amphipolis, and that the Boule was charged with the supervision of these records is evident in the fact that when Aischines came back to Athens in 340 from embassy he read out to the Boule a copy of the Amphiktyonic decree condemning the Amphissans, a decree that Aischines is able to cite ten years later.<sup>25</sup> These testimonia lend the impression that extensive and methodical record keeping was a feature of Athenian democratic practice both in the fourth century and before, and, as will become clear when we consider the fragments of Philochoros' *Atthis*, these records will have been vital for historical research.<sup>26</sup>

The modern view that Athenians did not keep systematic records until the fourth century has been abetted by the way in which scholars have understood the nature of legal transcription of the last decade of the fifth century. In the years 410 to 399 a board of ἀναγραφεῖς headed by one Nikomachos is attested to have "written up" laws under the real or presumed authorship of Drakon and Solon, and it has been alleged in modern times that this board was encumbered with the task of devising and creating a comprehensive code of law.<sup>27</sup> The so-called "codification" is often thought to have marked a fundamental shift in the value which Athenians assigned to written record; before this, records of laws were kept in a disorganised and inchoate fashion, and the aim of the redactors of the last decade of the fifth century was to create from disparate and often unreliable records a comprehensive statement of all valid law. The further conclusion has been drawn that the only documentation at the disposal of Hellenistic historians enquiring into the early history of Athens will have been relics of inscriptions pre-dating the Thirty and other disparate records that somehow made their way into the archive established at the end of the fifth century.<sup>28</sup> Thus, it is assumed, when third-century historians consulted laws pre-dating the so-called late fifth-century re-codification, the laws in question may very well have been forged or re-calibrated to suit the purposes of the fifth-century redactors; laws and statutes cited or used by Philochoros need not therefore have been authentic, and conceptions of early Athenian constitutional history embodied in literature from the late classical and Hellenistic ages were tainted by the patina of more recent legal recensions.<sup>29</sup>



The modern claim that Athens experienced a re-codification of her law in the last decade of the fifth century stems from three sources of evidence dating from that time. The first consists of a speech attributed to Lysias in which the orator presents charges against one Nikomachos, the head of a board of officials entitled ἀναγραφεῖς τῶν νόμων, who, if the prosecutor can be trusted, had been instructed to write up the laws of Solon within a time period of four months but who violated the terms of their remit by spending two consecutive terms of six and four years inventing entirely new laws and expunging others. The second is a decree quoted by the orator Andokides in his speech *On the Mysteries* moved by Teisamenos shortly after the restoration of democracy in 403 laying out procedural regulations for the passage and publication of new laws that were needed in addition to the laws of Drakon and Solon. The third consists of a number of epigraphical findings, the most important of which is a stone copy of a decree carried in 409/8 mandating the re-publication of Drakon's law on homicide followed by the law itself, the others epigraphical fragments bearing the Athenian sacred calendar. Together, these testimonia have led scholars to believe that between the years 410, the date of the first democratic restoration, and 399, the date of Nikomachos' trial, a new code of valid law was devised from scattered records in existence previously and that Athenians for the first time since the time of Solon sought to create a comprehensive statement of their law, incorporating older laws where records existed and creating new laws of fictional Solonian status.<sup>30</sup> As the sources in question imply a number of interpretative possibilities, it is essential to examine each individually and assess on the basis of each the modern claim that until the late fifth century systematic record keeping was not a regular practice.

(I) **Lysias XXX (*Against Nikomachos*).** The modern scholarly view that the end of the fifth century witnessed a revision of Athens' laws is founded on the evidence for a board of officials called ἀναγραφεῖς, who are first attested in an epigraphical copy of a decree dating from 409/8 mandating the publication of Drakon's homicide law and who are known from Lysias' speech *Against Nikomachos* to have been active for two consecutive terms of six and four years respectively. Modern consensus holds that Nikomachos and his colleagues were active from 410 or perhaps the last months of 411 until 399, the year of Nikomachos' trial, only being interrupted by the regime of the Thirty.<sup>31</sup> According to Lysias, Nikomachos and his colleagues were instructed under the terms of his mandate to "write up" the laws of Solon within four months,



but they ignored the time limits imposed and, in carrying out their task, furthermore deviated from the original texts of the laws. Lysias' aim is to prosecute Nikomachos for disobeying the terms of his remit; in a great rhetorical flourish he pronounces on the wretched condition to which the city had been reduced during the period of Nikomachos' appointment, asserting that new clauses had been inserted into the texts of older laws while old clauses had been deleted or omitted. Modern scholars have felt inclined to place uncritical faith in Lysias' assertions and, in consequence, have inferred that for a period of some eleven years Athens underwent a bewildering re-organisation of her legal records, a process that resulted in a new code of law loosely based on older statutes but heavily modified in keeping with the contemporary needs and exigencies of the late fifth century. Closer consideration of the substance of the speech nonetheless discourages uncritical faith in Lysias' opening pronouncements. The great burden of the speech concerns a dispute over expenditure on festivals and sacrifices. Though Lysias at the outset engages in high-flown phrases to the effect that Nikomachos had arrogated to himself the position of Solon, it is distinctly probable, given the focus of the prosecution on the contents of the sacred calendar, that the specific charge on which Nikomachos stood trial involved the terms of the sacred calendar which he and his colleagues had been instructed to write up and the expenses incurred to the Athenian state.<sup>32</sup> This suggestion wins confirmation in a series of fragments of adjoining stelai dating from the end of the fifth century or from the beginning of the fourth containing regulations covering public sacrifices and festivals.<sup>33</sup> Significant about these relics is that one of them exhibits on one side an erasure beneath the inscribed text. The very fact that an erasure of unparalleled size underlies a substantial portion of text has suggested to epigraphists that the stelai from which the fragments come were for one reason or another erased and re-inscribed.<sup>34</sup> If the implications of the epigraphical fragments are collated with Lysias' speech, it would appear that sometime between 410 and 399 either in the time of the Thirty or in wake of the democratic restoration of 403 or perhaps even in the year of Nikomachos' trial itself the contents of the sacred calendar became a subject of public dispute at Athens and that the stelai were inscribed twice, once perhaps by Nikomachos and a second time by Nikomachos or another party instructed to rectify the first publication.

If so, Lysias' statements need not be invested with the credence given them by scholars in the past. Though the speech *Against Nikomachos* may at a glance support the modern notion that Athenians in the last decade of the fifth century experienced an



extensive legal re-codification, Lysias' portrait of a protracted emendation and re-formulation of older laws that took place over a broken period of about eleven years may in reality be little more than a rhetorical flurry designed to smear Nikomachos, when the subject of dispute was in fact the publication of certain statutes specifically connected to the sacred regulations of the city. Independent evidence shows that the ἀναγραφεῖς were engaged in re-inscribing statutes that previously had survived on non-stone materials, and there is little good reason to doubt Lysias' testimony that Nikomachos had been vested with the duty to transcribe old laws from one set of monuments to another. On the other hand, Lysias' claim that Nikomachos, so to speak, elevated himself to the position of a lawgiver and for eleven years avoided audit must be read *cum grano salis*, not least for the fact that in democratic Athens such practice would have been quite inconceivable but also, and more substantially, because, as the decree of 409/8 illustrates, in each instance when the laws of Drakon and Solon were "written up" the ἀναγραφεῖς received express directions from the council and people. Lysias seems to have stretched, elaborated and embellished the truth in order to enhance and deepen his indictment of Nikomachos. In order to gain a more accurate insight into the task to which Nikomachos had been assigned we must turn to more substantial evidence in the form of laws and decrees surviving on stone or cited by the orators. The idea that the activities of the ἀναγραφεῖς amounted to a full "re-codification" of currently valid law is based on questionable interpretations of the evidence of a decree of Teisamenos quoted by Andokides and of the epigraphical copy of Drakon's homicide law, which on traditional interpretations cannot have represented the original law but a late fifth-century emendation.

(II) The Decree of Teisamenos (Andok. 1.82-4). The speech of the orator Andokides *On the Mysteries* is a potentially more valuable than the speech of Lysias insofar as it cites documentary texts *verbatim* and, while contextualising these documents in ways that may or may not be historically questionable, nevertheless provides the modern interpreter with (semi-)independent data on which to re-construct the period alluded to by the orator. Andokides defends himself against the charge of violating taboos by setting foot in a sacred precinct after having been convicted of committing an offence against the gods. In the course of his self-defence, he argues that no violation that took place prior to the restoration of democracy in 403 can matter, since one of the laws carried by the νομοθέται in accordance with the provisions of the decree of



Teisamenos specifically states that the laws be used from the archonship of Eukleides (403/2). Thus, he argues, even if he had been guilty of any of the charges laid against him fifteen years earlier, he was absolved from all guilt under the terms of the laws that had been written up in the Stoa in accordance with Teisamenos' decree. As proof of this, he quotes both the decree and the five laws that resulted from it. The decree enjoins that Athenians use the laws of Solon and Drakon as in former time and practise the ancestral constitution; whatever was needed in addition to the laws was to be written up on whitened boards by a panel of lawgivers selected by the Council of Five Hundred and set out before the statues of the heroes; the Council and a second panel of lawgivers chosen by the demesmen were to scrutinise the laws, and, once ratified, they were to be overseen by the Council of the Areiopagos; the ratified laws were to be written up on a wall, where they had been written up in former time, to be viewed by any who wished.<sup>35</sup> The laws ratified in accordance with the procedure outlined by Teisamenos enjoined: (1) that no unwritten law be valid; (2) that no decree be higher than a law; (3) that no law be carried against an individual except by secret ballot; (4) that all judicial decisions taken in the time of democracy be valid; and (5) that the laws be used from Eukleides' archonship.

Most important of the terms of Teisamenos' decree is the ambiguous reference in the final sentence to a "wall" (τοιχος). The question over which scholars have puzzled is what and where this wall was. At face value, the context provided by Andokides implies that the wall in question was a wall of the Stoa Basileios, where the five laws cited were written in accordance with the decree. Yet this statement has not won wide acceptance. Problematic is the implication of the last sentence of the decree that the wall *had already had laws written on it in previous time*; unless the wall of the Stoa had been inscribed prior to the passage of Teisamenos' decree and erased subsequently, the natural implication, so scholars have claimed, is that the wall referred to by Teisamenos was not located in the Stoa but a free-standing object on which laws had been published more than once. In trying to identify it, scholars have advanced two solutions. S.Dow suggested that the wall referred to in the decree of Teisamenos was an artificial "wall" consisting of the adjoining stelai, fragments of which survive; this view accommodated the fact that one side of the fragmentary adjoining stelai had been inscribed at least twice, and so Dow was led to infer that the actual occasion for its re-inscription was provided by Teisamenos' decree.<sup>36</sup> More recently, N.Robertson has argued that the wall alluded to in the decree was not the



same wall on which the five laws cited by Andokides were inscribed, located, as Andokides states, in the Stoa, nor the “wall” of adjoining stelai but a hypothetical wall located somewhere in the vicinity of the agora on which Athenians wrote up in ink proposals for any who wished to look before ratification or rejection in the assembly and from which they were subsequently erased. The basis of his argument lies in Teisamenos’ use of the present participle *κυρϋόμενους* in reference to laws written up: this, he claims, can only imply that the laws had not yet been ratified but instead were in the process of being ratified when written up.<sup>37</sup>

The importance of this discussion for the question of whether Athenians in the years immediately following the democratic restoration engaged in a comprehensive revision of their existing law is considerable. If, as Dow supposed, the wall alluded to by Teisamenos is to be identified with the “wall” of adjoined stelai, the implication is that the *ἀναγραφείς* in their second term of office were instructed to inscribe laws of presumed Solonian origin on a stone surface where similar laws had previously been written. The purpose of Teisamenos’ decree, on that interpretation, was not simply to publish new laws but more importantly to re-publish laws that had already undergone ratification and publication, perhaps with modification and alteration of content as need dictated. Scholars ever since Dow have debated the origin of the erasure on the stelai, but most agree that it reflects a dispute in the last years of the fifth century and the early years of the fourth as to what the Solonian calendar, and perhaps other Solonian laws, should contain.<sup>38</sup> If so, the decree of Teisamenos lends confirmation to the impression derived from Lysias’ speech that Nikomachos and his colleagues were engaged not only in a transcription of older laws but also in a complete revision and re-structuring of Athens’ civil and sacred law. If, on the other hand, Robertson is correct to think that the wall of Teisamenos was a wall used for temporary display of legal proposals prior to ratification by the lawgivers, the relevance of the decree was limited strictly to the passage of statutes needed *in addition* to the laws of Drakon and Solon, and so there is little reason to suppose that the *ἀναγραφείς* were more than low functionaries appointed by the people to perform mundane tasks. Following Robertson’s line of reasoning, the notion of an extensive legal codification in the late fifth century is a chimera, and, if nothing else, the decree of Teisamenos *contradicts* the view derived from Lysias of Nikomachos’ activities.

Both approaches, however, miss a fundamental point. Nowhere in the text of the decree is there any reference to the *ἀναγραφείς*. Though the verb *ἀναγράφειν* is



twice employed by Teisamenos, the implied subject on each occasion is the lawgivers (νομοθέται). The decree in fact has no relevance to Nikomachos. At most, its terms lay down procedural regulations for the ratification and publication of *new* laws, but, apart from the curious allusion in the final sentence to previous writing up of laws on the wall, there is no evidence either in the text of the decree itself or in Andokides' contextualisation of it that the Athenians from 403 engaged in any extensive revision, re-formulation or re-publication of older laws. Indeed, the decree enjoins that the laws used in former time - *i.e.* the laws of Drakon and Solon - be used once again; the emphasis is not upon change or alteration of existing laws but upon a legal continuity with the past, ensuring at the same time that any supplementary law be ratified and published according to standard procedure. The duties of Nikomachos, meanwhile, as indicated by the inscribed decree of 409/8 enjoining the re-publication of Drakon's homicide law, were confined to the re-publication of *old* statutes. He was not empowered to supplement those old statutes with new ones, much less to alter or change their contents to suit contemporary requirements. The whole idea that after 403 the duties of the *anagrapheis* snowballed to incorporate temporary or permanent publication of new statutes either to replace or to supplement the laws of Drakon and Solon that had come down on the axones and kyrbeis wins no support in Teisamenos' decree, which makes no explicit allusion to the ἀναγραφεῖς in the first place.<sup>39</sup> The only evidence that might be cited in support of such a view is the problematic final sentence, but this may simply imply in a convoluted fashion that the wall on which the new laws ratified under the terms of the decree were to be written had laws written up on it already, not that older laws were to be removed or deleted.

Where, then, and what was the wall to which Teisamenos refers? Andokides implies that it was a wall in the Stoa, and, in spite of modern scepticism, there is little good reason *prima facie* to doubt his testimony. The only objection to this conclusion lies in Teisamenos' use of the present participle κυρουμένων, from which Robertson infers that the laws written up were written not in a permanent medium (*i.e.* inscribed) but rather for temporary display; if so, the wall in question could not have been used to publish inscribed texts. Though Robertson's case has some initial appeal, it is not on careful consideration powerful. The distinction between present and aorist tenses in Greek is in most moods not temporal but aspectual, and, while it is true that aorist participles regularly connote past actions and present participles present actions, this is not always the case.<sup>40</sup> We need look no further than the decree of Teisamenos itself



to find such an instance: earlier, it makes reference to legal proposals handed over to the lawgivers chosen by the demesmen and, in so doing, uses the present participle παραδιδόμενους; the sense of the participle here is retrospective, since the proposals are not scrutinised by the council and the second panel until they have been handed over by the first panel. Similarly, the participle κυρουμένους at the end of the decree must, if the logic of the decree is closely followed, refer to laws that have been ratified by the second panel of lawgivers, not those currently in the process of ratification, for which provisions for public display have already been made some lines earlier. The decree does not provide merely for temporary publication; its aim is to ensure that *all* additional laws be published in a conspicuous location.

In short, the modern concept of a legal revision at the end of the fifth century wins no support in the decree of Teisamenos, which at most implies that Athenians after 403 continued to use the laws that they had used prior to the reign of the Thirty. As far as concerns the decree, there is little sound indication of a legal revision ever having taken place at any point either preceding or postdating the re-establishment of democracy in 403. The most it indicates is that laws used by Athenians prior to the Thirty were used in the wake of the democratic revival, and there is no sign that the laws underwent any form of modification or re-calibration. This observation permits the further inference that the late fifth century did not mark a change in attitude to the value of written record but, on the contrary, that written record was a vital element in city administration prior to the fourth century and, furthermore, that the Athenians following the restoration of democracy in 403 were able to access reliable accounts of their ancient laws. If nothing else, the decree of Teisamenos bears witness to a legal *continuity* between the restored democracy and the democracy that had preceded it, and its injunctions only make sense *if* it is assumed that Athenians had kept systematic records of their civic and sacred laws since early times.

(III) *IG i<sup>3</sup> 104* (Decree of 409/8 and the Drakontian law on homicide). The third piece of evidence under consideration consists in a decree of 409/8 enjoining the transcription of Drakon's law on homicide on to a stele and the inscription of the law. Of all the extant sources pertaining to the activities of the ἀναγραφεῖς, this is by far the most important, since it suggests that the redactors of the late fifth century were little more than scribal functionaries whose task was to transcribe from earlier written materials - in this case, a collection of monuments called axons – texts of laws on to



stone. The inscribed text, which survives in poor condition, contains two documents, one a decree dated to the year 409/8 stipulating that the ἀναγραφείς write up (ἀναγράφειν) Drakon's law on homicide, the other the text of Drakon's law. Owing to considerable illegibility, much of the law has to be re-constructed by comparison with independent literary citations, but it can be recovered with fair accuracy.<sup>41</sup>

The moot point is whether the fifth-century replica of Drakon's homicide law was identical with the law that had come down previously on the axon or whether instead the ἀναγραφείς re-formatted the law in conformity with fifth-century needs. As remnants of the original axon do not survive, all conjecture must be based upon the contents of the fifth-century replica. The question, put another way, is whether the text of the law as preserved makes cogent sense or whether it presupposes an earlier portion of text, which, for one reason or another, the ἀναγραφείς omitted. Proof of the theory that the fifth-century version can only have been an approximation to the original law has been adduced in the form of the opening clause, which reads καὶ ἐὰν ἐκ προνοίας κτένει τίς τινα. The conventional assumption has always been that the conjunctions καὶ ἐὰν mean "and if"; thus, scholars in the past have inferred that the stone copy represents only a portion of the original, since the conjunction "and" must presuppose a preceding clause or portion of text. Some scholars have tried to re-construct clauses that might have spanned two lines on the inscribed text in between the law itself and the decree authorising its re-publication; others have argued that a more sizable body of text is implied prior to the preserved portion. Most, however, have been content to assume that the law as preserved pertains only to unintentional homicide and that Drakon's provisions for other kinds of homicide jurisdiction either were summarised briefly in the two "lost lines" or that the redactors of 409/8 decided to omit the provisions on intentional homicide.<sup>42</sup>

Yet it is not universally agreed that the original text of the homicide law could not have begun with καὶ ἐὰν. In an insightful re-publication of the inscribed text, R.S. Stroud suggested that the words καὶ ἐὰν are perfectly comprehensible if they are read in an adverbial rather than in a conjunctive sense. Had the opening clause followed on from a preceding one, we would have expected the connective particle δὲ instead of καὶ. Instead of meaning "and if", Stroud inferred that καὶ ἐὰν in this context must mean "even if". Because the opening clause, if read in this way, presupposes no lost portion of text, Stroud went on to postulate the ἀναγραφείς published the Drakontian



law on homicide exactly as they had found it and that provisions for intentional and justified homicide were listed after those on manslaughter.<sup>43</sup> The implications of this interpretation are of course considerable, for, if correct, it entails the corollary that the ἀναγραφείς did not, as many scholars have assumed, splice and alter the terms of old statutes. Rather, they re-published the texts of laws as and how they found them. The further implication is that the ἀναγραφείς had reliable records of the Drakontian (and Solonian) laws readily at their disposal. This belies the sceptical view that Athenians until the late fifth century did not keep meticulous records. Indeed, it is only possible to explain the accuracy with which the ἀναγραφείς transcribed older laws *if* it can be assumed on faith that documentary records since the archaic age *had* been maintained.

Stroud's solution all the same admits of problems, and, though his reading of the words καὶ ἐὰν reduces the need for theoretical re-construction of additional clauses or earlier portions of text, his claim that Drakon's law laid down separate provisions covering intentional and justified homicide entails the assumption that early homicide procedure resembled classical procedure as outlined in fourth-century sources. That view is difficult to maintain if the terms of the preserved law are read more carefully. M.Gagarin, while concurring with Stroud that it introduces the text of the law, argued that the opening words καὶ ἐὰν need function merely in a concessive capacity and disagreed with Stroud on the question of whether Drakon sanctioned more than one procedure for homicide. Gagarin showed on the basis of independent evidence that provisions relating to intentional killing are never, except in utopian literature, treated secondary to those covering manslaughter and that Drakon's law is thus unlikely to have contained separate measures covering unintentional before intentional homicide. As an alternative explanation, he argued that the Drakontian law on homicide pertains to *all* categories of homicide, regardless of intent; its universal relevance is illustrated by the statement that *even unintentional cases were not exempt from its provisions*. Hence, the inscribed text of Drakon's law is, as Stroud himself held, a direct copy of the original, but the law did not lay down different processes for different types of homicide. Rather, in early times all categories of homicide were adjudicated by the Ephetai; provisions were made for pardon at the hands of the relatives of the deceased *only if* the Ephetai decided that homicide had been either unintentional or justified.<sup>44</sup>

Gagarin's analysis of the law is, in my view, the only correct one. Not only does it imply that the law may be read without re-construction of additional clauses,



but it circumvents the objections to Stroud's interpretation. Gagarin's analysis is vindicated by the evidence of Solon's amnesty law that the Ephetai alone possessed jurisdiction over homicide and by the attending statements of Plutarch, who is explicit on the point that Drakon addressed himself exclusively to the Ephetai *in cases of homicide*. The objection has been raised that Plutarch saw not the original law but the transcription on stone dating from the late fifth century, but, even if he did not consult the original documents, it begs the question to suppose that the fifth-century replicas were not faithful renditions of originals.<sup>45</sup> That the ἀναγραφεῖς were able to draw on earlier records is evident on consideration of testimony dating from the Hellenistic and Roman periods to the objects on which the Drakonian and Solonian laws were originally inscribed. Authors beginning with Eratosthenes in the third century refer to monuments called axones bearing the laws of Solon. Though there was dispute as to their shape, content and relationship to another set of objects called kybreis, dispute in most cases was limited to technical details, and there is little reason to suppose *a fortiori* that scholarly discussions in later ages were speculative in nature. On the contrary, the evidence supplied by the lexicographers indicates beyond doubt that these discussions revolved around objects that had survived into the third century, if not beyond, and that disagreements tended to arise over semantic points.<sup>46</sup>

This may be tested against literary sources, which mention two sets of objects, one called axones, the other called kyrbeis. The former of these objects are described as wooden rotating blocks on which were inscribed the ancient laws of Athens. Reconstruction of the latter is more difficult, as the evidence respecting their shape and their contents is conflicting, but comparison with certain archaeological finds has led some scholars to believe that the kyrbeis were pyramidal in shape and contained the sacred laws of Solon. Debate surrounding these objects dates all the way back to antiquity. The third-century scholar Eratosthenes attests that the axones had three sides, while Polemon (a near contemporary) held that they had four. Ruschenbusch for his part inferred that the objects about which Eratosthenes and Polemon were writing were known in antiquity under the synonyms axones and kyrbeis and based his argument on a scholion to Apollonios, stating that kyrbeis were also known at Athens as axones. On the strength of this evidence, he argued that the axones and the kyrbeis were identical and bore the laws of Drakon and Solon and that the debate that surfaced in the early Hellenistic period therefore concerned no more than the shape of these objects, and it was only in later times that antiquarians began to dispute their



identity. Yet Ruschenbusch's argument rests on a hasty reading of the scholion to Apollonios, which, though stating that Athenians used the term *axones* in reference to *kyrbeis*, does not imply that the two were semantically co-extensive. Other literary sources indicate that *kyrbeis* was a generic term given to various kinds of legal document, and archaeological data suggest that the word referred to any kind of monument on which laws were displayed. While *axones* must, owing to their etymology, have designated rotating objects, the semantic range of *kyrbeis* seems to have been looser and applied to many types of legal document, including wooden, stone and brazen tablets. If so, it may be inferred that the wooden rotating blocks containing the laws, known at Athens as *axones*, could also have been referred to as *kyrbeis*, but not that the two terms were interchangeable. There may well have been objects at Athens that went only under the name of *kyrbeis*, and so the judgment of later antiquarians that the *axones* and *kyrbeis* were *not* identical must be respected.

These considerations are crucial, for they open up the possibility that the laws of Drakon and Solon were written on many different kinds of object and that the ἀναγραφείς had at their disposal many different documentary sources from which to transcribe the ancient laws. The old-fashioned view that the "laws of Solon" as they were known to later antiquity were an invention of the fifth and fourth centuries has no rational justification. It is true that the "constitution of Solon" is a fourth-century fabrication, not least in view of the fact that the decree of Teisamenos distinguishes clearly the practice of the ancestral constitution from observance of the laws of Solon and Drakon. This, however, does not permit the inference that documentary material dating back to the archaic age did not survive into late antiquity. Independent literary citations of the laws show that they were not in any meaningful sense "constitutional", and we have good reason to doubt the testimony of late fourth-century treatises, most notably the Aristotelian Ἀθπ., which in conformity with theoretical models derived from Aristotle envisage Solon as having initiated a πολιτεία. On the other hand, in spite of the tendency of fourth-century orators to attribute to Solon laws that clearly postdate the archaic age, there can be little denying that the original Solonian laws did survive and that authors *were* able to access genuine records, if they so desired. The late fifth-century transcription of the Drakontian law on homicide shows that record keeping had been a feature of Athenian practice since the archaic age, and with this in mind we can infer that authors and antiquarians of the Hellenistic age, in particular Philochoros, were able to base their researches on a reliable documentary tradition.



#### 4.2. Philochoros and the “mythical” period: Literary tradition and innovation.

The foregoing section maintained that the practice of keeping systematic and long-standing records at Athens was not an innovation of the fourth century and that historians and researchers of later epochs will have had at their disposal extensive historical documentation, much of which accumulated in public archives of the city. The discussion now turns to the *Atthis* of Philochoros and Philochoros’ use of such materials. While, as argued above, records of laws and statutes existed since the time of the early lawgivers, records of decrees, inventories and public accounts, and other relevant matters of internal city administration may not have begun to amass until after the time of Kleisthenes, and so it is hazardous to postulate any substantive debt to documentation for the first two books of the *Atthis*. The ensuing discussion works from the supposition that for history predating Kleisthenes the quantity of reliable or valuable documentary evidence surviving in the time of Philochoros was restricted to the laws of Drakon and Solon and that the bulk of Philochoros’ research for this epoch resided in earlier literary accounts. For history subsequent to Kleisthenes, meanwhile, the extent to which Philochoros could embellish, expand and even rectify earlier literary tradition with documentary material culled from archival repositories increased considerably, and the value of the fragments of the *Atthis* as supplementary evidence for fifth- and fourth-century history can only be explained if it is assumed that Philochoros had access to material not included in previous literary sources.

The focus of this section is the “mythical” portion of Philochoros’ *Atthis*. Its aim is to extrapolate from available literary sources the widespread evidential material pertaining to pre-Kleisthenic history and to gauge Philochoros’ debt to and use of this material. The sources include Homer, Hesiod, Hekataios, Herodotos, Thucydides, the Attic tragedians, as well as Philochoros’ predecessors in the Atthidographic tradition. Close inspection of the manner in which Philochoros extracted and synthesised within his own account tradition culled from earlier literature suggests that, far from being a passive imitator, Philochoros was a thoughtful, innovative author who re-formulated and re-shaped subject matter acquired from his predecessors. Where material was borrowed from earlier authors, the form in which it appeared in the *Atthis* seldom bore exact resemblance to form taken in the texts from which it was borrowed. Like the

majority of ancient historians, Philochoros' professed attitude to his predecessors was dismissive, even though he was heavily reliant on their works.<sup>47</sup> His competence as an historian must be gauged not only by his knowledge of previous writers but also, and more importantly, by the extent to which he re-formulated inherited tradition.

The first book of the *Atthis* treated the early origins of Attica and its people.<sup>48</sup> Its chronological parameters are difficult to re-construct with accuracy, but probably it began with the establishment of civic society and ended before the reign of Kekrops.<sup>49</sup> Only two fragments survive from this book, one of which comes seems to come from a proem, the other contains an indecipherable etymology of the word *ἄστυ*. The first is instructive in what it reveals of Philochoros' attitude to his predecessors.<sup>50</sup> He is cited by a scholiast on Plato for the opinion that many poets lie: whereas poets of old, so he thought, told the truth, now, because of their desire to win at competitions, they distort and embellish.<sup>51</sup> Whether Philochoros confined his disapprobation to poets or applied it to authors of all genres is uncertain, but comparison with Thucydides' disparaging judgment of the *λογογράφοι καὶ ποιηταί* suggests that, like Thucydides, he contrasted the comparative weaknesses of earlier writers with the merits of his own work.<sup>52</sup> That the criticism was not only directed at poets may be inferred, albeit only tentatively, from a statement of his biographer that Philochoros wrote a critique of Demon. If so, the possibility arises that his criticism in Book I of poets came from a longer proem in which Philochoros asserted his authority over and above his literary predecessors, and in the process sought to discredit their works as unreliable.<sup>53</sup> His attempt to supersede earlier writers is, as will be seen shortly, reflected in the fragments, which show that Philochoros, while strongly indebted to earlier writers, sought not merely to re-iterate their material but by re-formulate it, giving it a new meaning, direction and emphasis.

The other fragment from Book I survives in citations by two lexicographers of late antiquity. Philochoros, according to his excerptors, wrote that sedentary society came into existence when nomads migrated out of the wilderness to live in permanent settlements. One of his excerptors comments that Athenians were the first to establish *ἄστυ* and *πολεις*.<sup>54</sup> If based on the testimony of Philochoros, the statement implies that he credited the Athenians with the invention of civic society. Philochoros' testimony has a further idiosyncrasy. In traditional usage, the distinction between *πόλις* and *ἄστυ* was geographical, the former being applied to the entire region in which a political community lived, the latter to its nodal centre.<sup>55</sup> Philochoros, on the



other hand, distinguished them by claiming that, while ἄστυ referred to the physical fortification, πόλις denoted both the fortification and the community of citizens.<sup>56</sup> The significance of this innovation is clear from consideration of Philochoros' treatment of Theseus, which in conformity with earlier tradition assigned the synoecism of Attica to his reign.<sup>57</sup> By dissociating the term πόλις from a geographical concept, Philochoros was able to preserve consistency by dating the creation of the first πολεῖς to the period before Kekrops. This would have been impossible had he distinguished πόλις and ἄστυ by conventional criteria, for in Book II he concurred with the traditional view that the synoecism occurred under Theseus.<sup>58</sup> If the defining characteristic of πόλις was that it incorporated an urban centre and the surrounding country, Athenians could not have founded a πόλις logically until the synoecism. Philochoros' idiosyncratic usage thus enabled him to backdate the creation of the first πολεῖς to the pre-regal period.

Philochoros' manipulation and re-integration of received tradition can better be observed in the second book, which began with the reign of Kekrops and ended with Kreon's archonship in 683/2.<sup>59</sup> The surviving fragments pertain to the reigns of Kekrops, Amphiktyon, Erichthonios, Erechtheus, Aigeus and Theseus. For the reigns of Kranaos, Pandion, the younger Kekrops, the younger Pandion and Menestheus, all of whose names appear in the Parian Marble, there are no surviving fragments, but it is probable that Philochoros' narrative covered the reigns of all eleven kings.<sup>60</sup> The narrative covering the reign of Kekrops is instructive.<sup>61</sup> Philochoros is cited by the mediaeval chronographer Synkellos in a summary of the various explanations of the eponym διφυής applied to Kekrops. Philochoros, according to Synkellos, had a divided opinion: Kekrops, he claimed, earned the title "double-formed" either because he was twice the size of an ordinary man or because, being Egyptian by birth, he spoke two languages.<sup>62</sup> The reasons for why Philochoros arrived at this explanation are indeterminable, but the number of rival interpretations available in antiquity itself indicates that Philochoros, whether making original statements of his own or taking them from an earlier source, waded through a mass of rival opinions and made his own after careful consideration.<sup>63</sup> More significant is that Philochoros rejected the account preserved by his excerptor that the sacrifice of the ox was initiated in the time of Kekrops. Though this cannot be inferred alone from the citation of Synkellos, an independent testimony of a papyrus from Oxyrrhinchos shows that Philochoros, in



contrast with a wide range of opinion, credited Kekrops merely with the invention of the spear and the use of animal hide for garments; the sacrifice of the ox, on the other hand, was a much later development synchronous with the development of ox-hide ropes.<sup>64</sup> The dissociation of Kekrops from the ox sacrifice points to the identity of Philochoros' source, for Androtion is known to have dated the sacrifice to the reign of Erechtheus.<sup>65</sup> These testimonia in combination illustrate that the literary tradition prior to Philochoros surrounding the Attic kings and their achievements was fraught with disagreement and that Philochoros, when collecting material for the early portion of his narrative, sifted through a morass of conflicting legends and anecdotes.

Why Philochoros here chose to follow Androtion is unclear, but examination of the surviving Kekropian narrative illustrates that his choice of source was usually well considered and his use of sources often highly artful. An example can be found in the fragment relating the creation of the Dodekapolis. According to Philochoros, Kekrops settled the people of Attica into twelve cities at a time when the land was being ravaged from the sea by the Karians and from the land by the Boiotians, who were called Aonai.<sup>66</sup> The synchronism of the foundation legend with the invasion of Attica points to a synthesis of two independent traditions taken from Herodotos and Thucydides respectively. The Herodotean element consists in the statement that the cities established by Kekrops numbered twelve. Though Herodotos does not speak of a Kekropian Dodekapolis, it would seem that Philochoros took the number from an Herodotean motif, for, in a digression on the history of Ionia, Herodotos related that Ionia had originally contained twelve cities.<sup>67</sup> Philochoros, in other words, transposed the Herodotean tradition of twelve cities to Kekrops. The invasion motif, meanwhile, is taken from Thucydides, who in a discussion of the origin of fortified communities maintains that attack by land and sea led to the creation of walled cities.<sup>68</sup> Though Thucydides does not allude to a Karian invasion of Attica, he does allude to a Karian thalassocracy in the Aegean, a tradition itself derived from Herodotos.<sup>69</sup> Philochoros borrowed the conception of Thucydides that the earliest fortifications came about to ward off invasion and thus associated the creation of the Kekropian Dodekapolis with a period of foreign incursion by enemies from land and sea. The identification of the Boiotians with the Aonai derives in turn from the periegetic treatises of Hellanikos.<sup>70</sup> The fragment implies knowledge of at least three earlier authors and may combine Herodotean, Thucydidean and Hellanikan with other Atthidographic material.



Kekrops, as seen already, was deprived in Philochoros' narrative of the honour of instituting the sacrifice of the ox, but he was credited with authorship of other cults. According to Philochoros Kekrops was the first to dedicate an altar to Kronos and Ploutos and worshipped these gods in place of Zeus and Earth; he also ordained that the *paterfamilias* share the fruits of the harvest with his slaves and that he share the burden of cultivating the land.<sup>71</sup> That there was a morass of conflicting tradition in antiquity as to the achievements of Kekrops is apparent in the allusions of scholiasts and lexicographers, but the evidence together indicates that Kekrops was remembered primarily as the author of many unwritten customs and religious rites.<sup>72</sup> A scholiast on Aristophanes' *Wealth* records a tradition that Kekrops brought Athenians out of the wild and settled them with laws, the most important of which was the injunction that men and woman be monogamous.<sup>73</sup> Where Philochoros derived the legend about the master sharing the fruits of toil with his slaves is not immediately obvious, though the motif looks Hesiodic.<sup>74</sup> Nevertheless, the most plausible explanation for Philochoros' opinion is that it was grounded in analogy with the cult of Kronia, still in existence in his day, in which slaves and masters dined together and made sacrifices to Kronos and Athene. Knowledge of this cult comes from L. Accius quoted by Macrobius, attesting that the Roman festival of Saturnalia directly paralleled the Greek festival of Kronia.<sup>75</sup> As Zeus superseded his father Kronos in Greek mythical tradition, it was natural that Philochoros should ascribe the institution of Kronos worship to the first of the Attic kings, while Zeus and Athene worship were assigned to later reigns.<sup>76</sup> This flew in the face of traditional Attic legends, which dated the cult of Zeus Hypatos to the reign of Kekrops,<sup>77</sup> as well as the burnt offering to Athene<sup>78</sup> and the dedication of an image of Hermes in the temple of Polias.<sup>79</sup> Philochoros' narrative therefore militated against a wealth of established tradition by dispersing over the reigns of a number of the early kings cults and rites that others had retrojected to the reign of Kekrops.

An interesting example of mythical transposition can be found in Philochoros' account of the first Attic census. Ancient grammarians derived λαός (people) from λίθος (stone) on the conviction that the earliest populations were raised up from stones.<sup>80</sup> A well-known myth preserved in the works of Pausanias and Strabo related that Deukalion, one of the sons of Herakles, visited Attica in the reign of second king Kranaos and founded there the sanctuary of Zeus.<sup>81</sup> That the myth of Deukalion infiltrated the Atthidographic tradition prior to Philochoros is evident from an entry in the Parian Marble,<sup>82</sup> but the absence of the name of Deukalion from the narratives of



Thucydides and Theopompos suggests that the legend did not appear in early literary tradition and may not have entered Atthidography until the time of Phanodemos.<sup>83</sup> Eustathios, in his commentary on Homer's *Iliad*, related that Deukalion raised up the population of Attica from the stones and sets the legend side by side with that of a census under Kekrops.<sup>84</sup> Though Philochoros is not known to have made any mention of Deukalion, he is cited for the opinion that Kekrops in his desire to replenish the Attic population ordered that stones be carried into the middle of Attica, of which some twenty thousand were counted.<sup>85</sup> If measured against the surviving sources, the account of Philochoros appears to transpose a tale traditionally linked with Deukalion concerning the creation of men and, in contrast to his predecessor Phanodemos, dated the arrival of Deukalion in Attica to the reign of the first Attic king Kekrops.<sup>86</sup> The number twenty thousand may be a rationalisation from a figure preserved in the lost beginning of *Aθπ.*, which stated that the original population of Attica had numbered ten thousand and which Philochoros rectified to account for the female population.<sup>87</sup>

Perhaps the finest example from Book II of the way in which Philochoros reformulated and manipulated received mythical tradition is supplied by three fragments narrating the Pelasgian invasion of Attica.<sup>88</sup> According to one excerptor, Philochoros said that the Pelasgians acquired their name because they arrived with their sails like birds in spring.<sup>89</sup> Another cites Philochoros for the opinion that the Pelasgians were so-called because they put in to Brauron and raped virgins carrying baskets.<sup>90</sup> A third states on Philochoros' authority that Attica was invaded by the Etruscans, who were beaten back to Lemnos and Imbros and at a later date retaliated by raping virgins at Brauron while celebrating the festival Brauronia.<sup>91</sup> Philochoros evidently identified the Pelasgians, whose origins were widely disputed in antiquity,<sup>92</sup> with the Etruscans, from whose name he derived *τύραννος* owing to their proverbial harshness.<sup>93</sup> The unique feature of Philochoros' account is its identification of these two peoples. The Pelasgians had received mention in earlier Atthidographic tradition: possibly they made their way into the *Atthis* of Kleidemos,<sup>94</sup> and the story of the Pelasgian presence in Attica and the construction of the Pelargikon wall around the Akropolis had been discussed in one or more *Atthides* prior to Philochoros, as is suggested by the entry in the Parian Marble.<sup>95</sup> Yet there is no evidence that any author until Philochoros had identified the Pelasgians and the Etruscans.<sup>96</sup> The crucial question is why Philochoros made this innovative identification and what purpose it served within his narrative.



A possible answer lies in the literary tradition implied by Philochoros' account of the Pelasgian invasion. The earliest known version comes from Hekataios, who is cited by Herodotos for a story as to the origin of the hostilities between the Lemnians and Athenians and then countered with a contrary version of the tale on the authority of Athenian sources. According to Hekataios, enmity began through the fault of the Athenians and dated back to the Athenian expulsion of the Pelasgians from Attica; the Pelasgians had been awarded land at Hymettos in return for the construction of the wall around the Akropolis, but the Athenians later came to begrudge their skill at cultivation, coveted their land, and drove out the Pelasgians.<sup>97</sup> Herodotos counters this version with the opinion that the fault lay with the Pelasgians, who had maltreated the Athenian youth while gathering water from the Nine Wells; after the Athenians had driven the Pelasgians from the land of Attica to Lemnos, the Pelasgians retaliated by ambushing Athenian women while celebrating the festival of Artemis at Brauron and bringing them to Lemnos as concubines.<sup>98</sup> The importance of the divergence lies in the historical justification for Miltiades' invasion of Lemnos in the aftermath of the Battle of Marathon, and the context of Herodotos' digression indicates that the story of the rape of the Brauronian women had been used by the Athenians as a pretext for their aggression toward the Lemnians in the early fifth century. The Athenian version preserved in Herodotos looks like an attempt to re-buff an older tradition preserved in Hekataios that laid ultimate responsibility for hostilities with the Athenians.<sup>99</sup> From the sixth century onward, therefore, the myth of the Pelasgians in Attica appears to have been told and re-told with different points of emphasis and value judgments, some laying blame with the Athenians, others with the Pelasgians (*i.e.* the Lemnians).

Philochoros' version of the tale is striking in light of these considerations. The Hekataian account of the Pelargikon Wall had become instilled in the Atthidographic tradition prior to Philochoros and may well have been incorporated by Philochoros himself.<sup>100</sup> Yet unlike Hekataios Philochoros appears to have endorsed the view that ultimate responsibility for the enmity between the Athenians and Pelasgians lay with the Pelasgians. Philochoros provides information not included in the accounts either of Hekataios or of Herodotos: according to his account, the Pelasgians (*i.e.* Etruscans) had originally established themselves in Attica by forceful means and repeated their offence later when they defiled the Brauronian women. The important innovation lies in the claim that the Pelasgians had come to Attica originally by violent means. Even Herodotos, who counters the Hekataian account of the Pelasgian expulsion with an



“Athenian” tradition, knows nothing of an earlier Pelasgian invasion.<sup>101</sup> Philochoros thus appears to take the polemic against Hekataios one stage further by claiming that the seeds of conflict lay not in the events leading up to the expropriation of Pelasgian land at Hymettos, as Herodotos has it, but rather in the circumstances under which the Pelasgians had entered Attica in the first instance. This polemic is bolstered by the identification of the Pelasgians and the Etruscans, whose notoriety for violence and brigandry was embodied in literature stretching back to Homer and Hesiod.<sup>102</sup> By making the equation Philochoros could enhance the contention that the first aggrieved were the Athenians, who were justified in destroying the Pelasgian community.

No fragments survive relating to the reign of Kekrops’ successor Kranaos.<sup>103</sup> Of the narrative covering Kranaos’ successor Amphiktyon three fragments survive, one of which is preserved in an extensive citation by the antiquarian Athenaios, the other two in briefer paraphrases by lexicographers and chronographers. Philochoros, as quoted by Athenaios, wrote that Amphiktyon acquired from the god Dionysos the art of mixing wine and was the first to mix it; in commemoration he founded an altar to Dionysios Orthos in the Shrine of the Seasons, for it is the seasons that mellow the fruit of the vine; near to this he built an altar to the Nymphs, the nurses of Dionysos, to remind devotees of the need to mix; he also instituted the custom of taking a sip of unmixed wine after taking meat to remind men of the power of the good god, and they were to repeat the name of Zeus Soter over the cup as a reminder to drinkers that only if they drunk in this way would they be safe.<sup>104</sup> That Philochoros polemicised against earlier tradition is clear not only from the fragments of the *Atthides* of Hellanikos and Demon but from the evidence of Pausanias, who, drawing on Atthidographic sources, stated that Eleutherai where the festival of Dionysos was celebrated was established in the reign of Melanthos.<sup>105</sup> Another tradition current in antiquity held that Pegasos brought the god from Eleutherai to Athens, and Philochoros, who narrated that the custom was imparted directly by Dionysos to Amphiktyon, appears to have rejected that tradition also.<sup>106</sup> The peculiarity of Philochoros’ account lies in its attribution to Amphiktyon not of the foundation of the τέμενν to Dionysos, a well-known literary motif stretching back to Thucydides,<sup>107</sup> but of two altars, one to Dionysos Orthos, the other to the Nurses of Dionysos. The importance of this innovation lies precisely in the way Philochoros re-conceptualised the role of Dionysos not as the bringer of wine but as the god who taught men how to use wine appropriately, a distinction observed centuries later by the elder Pliny.<sup>108</sup> Hence Dionysos is seen as a civilising force and



Athens commemorated as the place where the art of mixing wine with water was first witnessed.<sup>109</sup> The radical extent of Philochoros' departure from received tradition is further illustrated by an entry in the Parian Marble, which makes the goddess Demeter the bringer of the harvest.<sup>110</sup> Significantly, late chronographers placed the appearance of Dionysos in Attica some three or four generation before Demeter,<sup>111</sup> and so the tale of Dionysos' apparition to Amphiktyon as told by Philochoros lies at strong variance with the chronological implications of earlier Atthidographic tradition.

The emphasis laid by Philochoros on the civilising mission of Dionysos can be observed in a fragment preserved by the lexicographer Harpokration. According to Harpokration, Philochoros denied that the invention of the βωμολόχος and κόβαλος went back to Dionysos.<sup>112</sup> Harpokration defines κοβαλεία as a game involving deceit or trickery, characteristics also emphasised in earlier literature.<sup>113</sup> Presumably, a tradition existed in Philochoros' day to the effect that Dionysos was responsible for the advent of deceit and treachery, and Philochoros, in conformity with conceptions of Dionysos derived ultimately from Euripides, polemicised against these ideas.<sup>114</sup> The only other fragment of the *Atthis* pertaining to the reign of Amphiktyon survives in two chronographic citations and concern the tomb of Dionysos at Delphi. According to Synkellos, the epitomator of Eusebios, the tomb bore an effigy of the god with a woman's shape, a feature to be explained either by the shameful practices introduced by Dionysos or by the fact that he had armed women alongside men in the campaign with Perseus at the Indos. Significantly, the tradition about the mixed contingent derived from Philochoros, who, it might be supposed, sought to discredit the view of Dionysos as the author of base habits.<sup>115</sup> A more complete citation of Philochoros is provided by another epitomator, who attributes to the Atthidographer the opinion that the vessel in which Dionysos was interred was in fact a pedestal on which his epitaph was inscribed.<sup>116</sup> Various fragments of poetry, including a fragment of Kallimachos concerning the death of Dionysos at the hands of the Titans, indicate that Philochoros' sources in all probability were Orphic.<sup>117</sup> The tradition in turn about Dionysos taking the form of a woman derives from the *Bacchae* of Euripides.<sup>118</sup> Philochoros appears to have gathered material on Dionysos from poetic sources and incorporated it into his narrative in such a way as to portray Dionysos' visitation to Attica in the time of Amphiktyon as an historical milestone in the development of civilisation.

The reign of Erichthonios is associated in Philochoros' *Atthis* with the creation of the cult of the goddess Athene and the institution of the festival of the Panathenaia.



Philochoros' assignment of the origin of the Panathenaia to Erichthonios' reign stood in conformity with earlier Attidographic tradition, which, beginning with Hellanikos, concurred on the point that the Panathenaia was Erichthonios' bequest.<sup>119</sup> According to Philochoros, maidens of noble birth were appointed in the reign of Erichthonios to carry baskets in honour of Athene, in which sacrificial offerings were placed.<sup>120</sup> Old men, he claimed, were appointed to carry branches.<sup>121</sup> The tradition of the *εὐγενεῖς παρθένοι* comes down directly from Aristophanes,<sup>122</sup> and Philochoros' source for the branch-bearers is the *Symposium* of Xenophon.<sup>123</sup> The important role of the basket-bearers in the ritual was no doubt inferred from contemporary practices: an inscription dating from c.335/4 testifies to the high importance of the basket-bearers, mandating that meat be apportioned to the prytaneis, archons, treasurers, hieropoioi, generals, taxiarchs, καὶ τοῖς πομπεῦσι τοῖς Ἀθηναίοις καὶ ταῖς κανηφόροις κατὰ τὰ εἰωθότα;<sup>124</sup> basket-bearers are also mentioned in a decree from the late fourth century honouring Lykourgos.<sup>125</sup> Harpokration cites material from Philochoros' second book relating to the sacrifice of the *ἐπίβοιον*.<sup>126</sup> Though the lexicographer makes no explicit link with the reign of Erichthonios, the allusion to Pandrosos points to a clear connection with the goddess Athene and thus indicates that the material in question comes from the narrative on Erichthonios' reign.<sup>127</sup> According to Philochoros, it was incumbent upon anyone sacrificing an ox to sacrifice a sheep to Pandrosos known as the *ἐπίβοιον*. It is impossible to know for certain where Philochoros derived his information, but two lines of the *Iliad* referring to the cow and sheep as the sacrificial animals for Athene at the Panathenaia indicate an Homeric provenance.<sup>128</sup>

Three fragments from Book II definitely cover the reign of king Erechtheus. Philochoros narrated the rape of Erechtheus' daughter, Oreithuia, by Boreas the son of Astraios, whom he identified as the North Wind. The legend of the rape of Oreithuia was well established in literature by Philochoros' time and dates all the way back to the early Greek genealogist Akousilaos, who related that Oreithuia had been decked out by her father Erechtheus as a basket-bearer to sacrifice on the Akropolis to Athene Polias and was subsequently raped.<sup>129</sup> Whether Philochoros followed the Akousilaan tradition in its entirety is hard to tell from the brevity of Harpokration's citation, but the thematic correspondence between the rape of basket-bearing maidens and the rape of the basket-bearing virgins at Brauron by the Pelasgians, as narrated by Philochoros elsewhere in Book II,<sup>130</sup> might suggest that Philochoros transposed the motif to other



portions of his narrative. The tradition of Oreithuia as the daughter of Erechtheus is re-iterated by Herodotos<sup>131</sup> and finds its way into the *Atthis* of Phanodemos,<sup>132</sup> and the theme of the ἄγροικός τις σοφία can be detected in Plato's *Phaidros*.<sup>133</sup> Philochoros therefore incorporated into his *Atthis* a well-established story told and re-told in one form or another since the early fifth century. Philochoros' special debt to Phanodemos for his material on Erechtheus is evident in another fragment pertaining the daughters of Erechtheus, whom Phanodemos had identified with the Parthenoi Hyakinthides.<sup>134</sup> Philochoros is said to have written extensively about sacrificial rites performed both to Dionysos and to Erechtheus' daughters, giving details not only of the nephalic sacrifices but also of the wood on which they were burned.<sup>135</sup> Again the provenance of his material is impossible to determine with confidence, but the known fact that Phanodemos had written on the Hyakinthides indicates a debt to his *Atthis*.

Philochoros assigned to the reign of Erechtheus the institution of the sacrifice of the Boedromia. According to Philochoros, the rite commemorated the aid given to the Athenians by Ion son of Xouthos against Eumolpos son of Poseidon, who had laid siege to the city.<sup>136</sup> The genealogy and marriage-ties of Xouthos derive ultimately from Hekataios<sup>137</sup> and find more recent expression in the narratives of Herodotos<sup>138</sup> and Kleidemos.<sup>139</sup> Perhaps more important is the tradition surrounding the attack of Eumolpos on Athens in the time of Erechtheus told in varying degrees of detail by Thucydides,<sup>140</sup> Euripides<sup>141</sup> and Isokrates.<sup>142</sup> Philochoros followed all these authors in assigning the attack to the reign of Erechtheus, a tradition that synchronises with the tale of Demeter's arrival at Eleusis and the creation of the Eleusinian Mysteries in Erechtheus' time.<sup>143</sup> The only point of deviance in Philochoros' version concerns the genealogy of Eumolpos, whom Philochoros made the father of Mousaios.<sup>144</sup> Earlier tradition, beginning with the Greek genealogist Andron, made Eumolpos the son of Mousaios.<sup>145</sup> Why Philochoros deviated from accepted genealogy is uncertain, but the fact that Andron traced five generations between Eumolpos of Eleusis and his namesake Eumolpos of Thrace may provide an important clue. The *Atthis* of the Parian Marble, following Andron's genealogy, omitted the Eleusinian War, as is evident from the fact that Orpheus and Eumolpos, the poets of Demeter and the Mysteries, appear in its account some ten years after Triptolemos.<sup>146</sup> To rectify this, Philochoros placed Eumolpos a generation earlier by making him Mousaios' father.<sup>147</sup>



#### 4.3. Philochoros and the “historical” period: The use of literature and documents.

We turn now to the “historical” portions of Philochoros’ *Atthis*, extending from the time of Kleisthenes’ reforms to the mid-third century, when Philochoros himself was active. Of the books covering these two and a half centuries of history only III-IX are represented in the fragments. Nothing survives of the third-century narrative, and our estimation of Philochoros’ historical methods must limit itself to the fifth- and fourth-century narrative. For the period between Kleisthenes and the defeat of Athens in the Peloponnesian War, covered by books III-IV, forty-eight fragments are preserved by later excerptors; for the period from the democratic restoration in 403 to the death of Antigonos Monophthalmos in 301, covered by books V-IX, some fifty-six fragments are preserved. Few of these fragments offer any substantial basis for consideration of Philochoros’ use and synthesis of archival material. It is nevertheless informative to observe how many of the surviving fragments exhibit detailed information on fifth- and fourth-century history otherwise unknown from earlier literary sources, and, on the strength of the preceding discussion of the nature of documentary preservation at Athens during the time of the democracy (see section 4.1), the most economical and plausible explanation for Philochoros’ detailed understanding of the period is that he was able to supplement his knowledge of history derived from previous literature with methodical research into documentary evidence preserved in the city archives.

The ensuing discussion will compare the testimony of Philochoros with the testimony of Philochoros’ literary predecessors and try to determine, within the limits and constraints of our evidence, the extent to which Philochoros could supplement existing accounts with material unattested in earlier literature. As stated already, this approach must adopt extreme caution, not least since our knowledge of historiography prior to Philochoros is incomplete and since Philochoros may have drawn on literary sources of which we ourselves know nothing. Nevertheless, a careful analysis of the nature of local historiography since the time of Hellanikos indicates that year-by-year treatments of Attic history were not attempted until Androtion, and, though indebted substantially to his annalistic predecessor, Philochoros is cited for much information for which Androtion is not cited as an earlier authority. Philochoros’ literary sources are of course not confined to the Atthidographers. For the fifth century much of his historical material was grounded in the narrative of Thucydides and supplemented by the abundant allusions of Aristophanes and of the tragedians to contemporary events. For the fourth century Philochoros had at his disposal the fundamental narratives of



Xenophon, Ephoros and Theopompos, as well as the rich evidence furnished by the Attic orators. In addition to his literary sources, however, it will be argued that the clinical precision with which Philochoros was able to construct an account of history was made possible by the abundance of documentation that had accumulated since the beginning of the fifth century, if not earlier, in public archives of the city. The crucial gauge of this lies in a comparison of Philochoros' testimony with that of the literary sources just mentioned and of the precision with which he narrated the history of the times relative to his predecessors; this, as will be observed, was impressive.

It is perhaps best to begin by surveying those fragments from Book III that contain material found in earlier literary sources. Harpokration, glossing an allusion in Demosthenes' speech *Against Konon*, cites Philochoros for the statement that Athenians swore before a stone.<sup>148</sup> The brevity of the citation makes it impossible to determine how far Philochoros based his understanding of this practice on literary predecessors and how far he might have supplemented it with additional material, but the practice is first attested by Herodotos<sup>149</sup> and mentioned later by Plato<sup>150</sup> and Ἀθῆναι; <sup>151</sup>. thus, Philochoros' knowledge was well-grounded in earlier literature. Athenaios cites Philochoros for material on Lysandros of Sikyon, the first kithara player to institute the art of solo playing by reforming the instrument and expanding its musical range.<sup>152</sup> Although no earlier literary source has survived containing similar material, we know independently of an author roughly contemporary with Aristotle named Menaichmos who compiled treatises on famous Sikyonians and may well have mentioned this same Lysandros.<sup>153</sup> Rather more revealing is a fragment of the historian Juba that mentions by name the musician Epigonos, who, according to Philochoros, adopted in his school the innovations of Lysandros.<sup>154</sup> Presumably Philochoros will have been familiar with the works of both authors and synthesised material from their treatises into his own account. Many fragments from the third book pertain to the etymologies of demes, and, though in many cases excerptors state merely that the etymologies appear in the *Atthis* of Philochoros, it is nevertheless useful to observe points of contact with earlier authors. The etymologies of Alopeke,<sup>155</sup> Kerameis,<sup>156</sup> and Kolonos<sup>157</sup> may well have been drawn from the *Atthis* of Kleidemos, who, as the extant fragments of his work reveal, devoted considerable attention to the etymologies of local place-names.<sup>158</sup> Philochoros claimed that the deme Melite was named after one Melite,<sup>159</sup> the daughter of Myrmex according to Hesiod,<sup>160</sup> the daughter of Apollo according to Mousaios.<sup>161</sup> That he drew his



material from earlier Atthidographic tradition is indicated circumstantially by the fact that Phanodemos mentioned a Melite Hoplitos<sup>162</sup> and that Kleidemos alluded to a shrine of Melanippos, the father of Myrmex, at Melite.<sup>163</sup> Philochoros, if following his predecessor Kleidemos, will then have been drawing on a tradition extending back as far as Hesiod and expanded in the treatises of the early Greek genealogists.<sup>164</sup> The etymology of Oie seems to have come from genealogical works, as Philochoros traces the relationship of its eponymous founder to Kephalos and marriage tie to Charops.<sup>165</sup>

Other fragments surviving from Book III are unfortunately too abbreviated or sparse to warrant reliable conjecture as to the provenance of Philochoros' material, but a few reveal wide research into the works of both Athenian and non-Athenian authors. A scholiast on Aristophanes' *Acharnians* cites Philochoros for a prodigy that took place in the year of Lakrateides' archonship. According to Philochoros, there was a great snowstorm in this year, and so the popular nickname of "chilly" was applied to events that occurred in it.<sup>166</sup> Though no earlier record of this phenomenon is known, it might be noted that Charon of Lampsakos, an approximate contemporary of Hellanikos, devoted at least part of his treatise to famous portents, which he dated by their year. One fragment of Charon's work records the story of a flock of pigeons that appeared at Mount Athos in 492 when the Persians fleet suffered a shipwreck.<sup>167</sup> If Philochoros drew the story of the snowstorm from a literary author, a likely candidate is Charon. A popular story preserved in the accounts of Plutarch and Aelian relates to the dogs of Xanthippos that embarked the Athenian fleet in the frantic exodus from Athens to Salamis in 480.<sup>168</sup> The earliest known instance of the embarkation motif appears in Thucydides,<sup>169</sup> but its specific application to the events before Salamis told by Aelian on the authority of Aristotle and Philochoros may find its provenance in the *Atthis* of Kleidemos, who is known to have written in detail on the Athenian exodus.<sup>170</sup> Philochoros' account of the construction the Pythian shrine at Delphi<sup>171</sup> presupposes a long-standing narrative tradition beginning with Pindar<sup>172</sup> and extending through Herodotos,<sup>173</sup> Isokrates,<sup>174</sup> Aθπ,<sup>175</sup> and, if Pausanias drew on an earlier *Atthis*,<sup>176</sup> one or more Atthidographic predecessors. Philochoros' knowledge of Aithaia in Lakonia<sup>177</sup> comes from Thucydides,<sup>178</sup> and his view of the Solonian σείσ' ἀχθεία,<sup>179</sup> while in conflict with that of Androtion,<sup>180</sup> stands in conformity with the accounts of Aθπ.<sup>181</sup> and later Plutarch.<sup>182</sup>

With none of these fragments is there any reason to suppose that Philochoros grounded his knowledge in information not found in earlier literary sources. Yet there



are fragments from the third book that do indeed suggest familiarity with evidence of a documentary nature. The *Suda* cites Philochoros for the information that the three-headed statue of Hermes, to which Isaïos alludes in the speech *Against Eukleides*, was dedicated at Ankyle along the Hestian Road by one Prokleides son of Hipparchos.<sup>183</sup> Apart from Isaïos' allusion there is no known reference to this monument in literature earlier than the *Atthis* of Philochoros, and epigraphical fragments of Herms set up by Hipparchos survive in the archaeological record.<sup>184</sup> The most economical explanation for Philochoros' knowledge of this monument is that it survived intact down to his own time and that he was able to consult it first-hand. Philochoros had occasion in Book III to write of at least one other Herm, the famous Hermes Agoraios, which, on Philochoros' authority, was set up in the archonship of Kebris (c. 496/5).<sup>185</sup> That this statue had survived the Persian destruction is clear from the testimony of Pausanias, Lukian, and a scholiast on Aristophanes' *Knights*,<sup>186</sup> and it seems therefore likely that Philochoros derived his detailed information from a monumental source. That he had access to a wealth of inscriptional evidence is suggested independently by the fact that he compiled a treatise entitled Ἐπιγράμματα Ἀττικά,<sup>187</sup> and the survival of old epigrams from the archaic period is evident from the famous digression of Thucydides on the sons of Peisistratos.<sup>188</sup> These two fragments, when measured against the sheer absence of earlier literary testimony, indicate that Philochoros' research was autoptic.

There are other fragments from the third book, which, while giving no positive indication of a documentary source, nonetheless yield information otherwise unknown in earlier literature. A scholiast on Aristophanes' *Lysistrata* cites Philochoros for the opinion that the Athenians took the leadership of Greece because of the disaster that befell Sparta following the earthquake at Ithome.<sup>189</sup> The episode is indeed narrated by Thucydides<sup>190</sup> and alluded to by Aristophanes<sup>191</sup>, and Philochoros at first appearance gives no further information than that found in his two literary predecessors. Yet the brief citation may be supplemented by another scholion, which dates the event very precisely to the archonship of Theagenides (468/7) and supplies further details of the quake untold by Thucydides or Aristophanes.<sup>192</sup> The archon date itself indicates an annalistic source, and, given that Philochoros wrote on Ithome, the likely provenance of the scholiast's material is Philochoros' *Atthis*. Importantly, neither Thucydides nor Aristophanes date the event with reference to an archon. Thus, even if their accounts constituted a significant source for Philochoros at this point, a strong possibility exists that Philochoros supplemented material culled from those authors with research into



independent records of the expedition preserved in an archival medium. These might have consisted of military documents and lists, audits of generals, and inventories of expenditures connected with the campaign.<sup>193</sup> Harpokration, glossing a reference in Demosthenes' third *Philippic*, cites Philochoros for information on the institution of the theoric fund.<sup>194</sup> According to Philochoros, the θεωρικόν was first reckoned at the value of a drachma. No literary author beside Philochoros is known to mention this detail, and, unless Philochoros acquired this material *via* an earlier *Atthis*, the most plausible hypothesis is that he consulted archival records dating from the 440s, when Athenians began to pay their jurors from the public purse.<sup>195</sup> Noteworthy about the inscribed financial accounts from this time is the relative paucity of their information, and, far from indicating that financial records in the fifth century were haphazard, this offers a more obvious sign that the inscribed record dating from this time represents only a small fraction of the total record.<sup>196</sup> Presumably, therefore, Philochoros' knowledge of the theoric fund came directly or indirectly from an archival source.

Book IV, whose chronological parameters roughly extended from the reforms of Ephialtes to the reign of the Thirty, yields valuable historical material unavailable in fifth-century literature. Two scholiasts on Aristophanes' *Birds* cite Philochoros for material on the Second Sacred War.<sup>197</sup> According to Philochoros, the Athenians came to the aid of Phokis in the third year of their war with Sparta and restored control of the shrine at Delphi to Phokian hands. The material as cited does not significantly expand the information provided by Thucydides,<sup>198</sup> but that Philochoros' narrative has been radically epitomised by the scholiasts is evident on comparison with the more complete account of Plutarch, who, drawing on an earlier literary source, states that the Athenian expedition was conducted under the leadership of Perikles and that the victory over the Spartans resulted in an inscription on the right side of a brazen wolf in the sanctuary at Delphi, proclaiming that the Athenians have first rights to consult the oracle.<sup>199</sup> The clinical detail with which Plutarch describes the issue of this war indicates access to an authoritative tradition originating in the work of an author other than Thucydides, and, given that Philochoros wrote about the Second Sacred War, a reasonable conjecture is that Plutarch's information derives from Philochoros' *Atthis*. If so, Philochoros will have supplemented the cursory treatment of Thucydides with a much more detailed account of the episode, narrating precisely the chronology of the war, the names of the generals who lead the Athenian expedition, and recording the inscription at Delphi which conferred προμαντεία on Athens. This information will



most probably have come down in some kind of archival medium.<sup>200</sup> In roughly the same portion of the *Atthis* Philochoros narrated the circumstances under which Euboia revolted from the Athenians and was later brought to heel by Perikles. According to Philochoros, Perikles subdued the whole of the island, placating all but the Hestiaians by negotiation; the Hestiaians for their part were robbed of their territory and exiled.<sup>201</sup> The close similarity between the accounts of Philochoros, as cited, and Thucydides suggests that Philochoros modelled his narrative closely on that of his fifth-century predecessor.<sup>202</sup> But, as with the account of the Second Sacred War, the citation looks abbreviated. Diodoros states that a thousand Athenian klerouchs colonised the city of Hestiaia and its surrounding countryside.<sup>203</sup> Plutarch attests that Perikles crossed to Euboia with fifty warships and five thousand hoplites and adds not only that some of the Chalkidians were banished from their city but supplies as the reason for the harsh treatment of Hestiaia the explanation that the Hestiaians had captured an Athenian ship and slaughtered its crew.<sup>204</sup> These later authors had access to a tradition that was considerably richer in detail than the Thucydidean narrative, and Philochoros stands out as a likely candidate for identification as the source of their material.<sup>205</sup> If so, it would appear that Philochoros expanded the account of his great predecessor with additional information derived from an archival source, which might have embraced records of decrees authorising the dispatch of a fleet to Euboia, the settlement of the klerouchs, and the repatriation of the Hestiaians to Macedonia.<sup>206</sup>

An intriguing fragment from the fourth book pertains to an event attested only once in earlier literature. Aristophanes in the *Wasps* makes a brief passing allusion to a grain-dole in the wake of the Euboian revolt.<sup>207</sup> The scholiast glosses the allusion by appeal to Philochoros' authority, stating that Psammetichos of Egypt had sent Athens in the year of Lysimachides' archonship (445/4) a large supply of corn,<sup>208</sup> five bushels for each citizen; the corn-dole resulted in a citizen census, which led to the expulsion of a large number of illegal residents; those who partook numbered fourteen thousand two hundred and forty.<sup>209</sup> The citation of the scholiast is supplemented by a passage from Plutarch, which states that just under five thousand were convicted and sold into slavery, while those deemed to be citizens numbered fourteen thousand and forty.<sup>210</sup> The close proximity of Plutarch's figures to those supplied by Philochoros as cited suggests that the other number – the five thousand convicted and sold – was taken also from Philochoros' narrative.<sup>211</sup> That census figures of this kind were kept over a considerable period of time and made available to later historians is suggested



by the fact that a late antiquarian by the name of Stesikles alluded to a census in the time of Demetrios Phalereus.<sup>212</sup> Though this is not conclusive proof that such figures were obtainable from Athenian archives before the fourth century, the sheer precision with which Philochoros recorded not only those registered legally but those expelled indicates familiarity with an authentic documentary source dating from 445/4. Earlier authors, in contrast, when citing figures often used round numbers,<sup>213</sup> and the myriad was frequently used as a means of approximation.<sup>214</sup> Nineteen thousand, the number roughly obtained by adding the two figures supplied by Philochoros, is by no means a stereotyped number.<sup>215</sup> That Philochoros drew not only on a census list but a decree is suggested, albeit circumstantially, by an inscribed decree dating from 299/8 alluding to a gift of ten thousand bushels to the Athenian people by King Lysimachos.<sup>216</sup> This offers a possible *modus comparandi* for the events of 445/4, the details of which may well have been recovered from decrees dating from that year.

A little later in Book IV Philochoros related the events surrounding the exile of the sculptor Pheidias in 438/7. The earliest literary references to this episode occur in two plays of Aristophanes, the *Acharnians* and the *Peace*. While the first of these plays alludes in oblique terms that parody the prologue of Herodotos' *History*,<sup>217</sup> the second gives a more complete description of the scandal surrounding Pheidias and draws a farcical connection between the implication of Perikles in the scandal and the passage of the Megarian Decrees.<sup>218</sup> A scholiast on the *Peace* seeks to discredit the historicity of this story by appeal to the *Atthis* of Philochoros, which placed the trial of Pheidias in the year of Theodoros' archonship (438/7), some seven years before the outbreak of the Archidamian War in 432/1. According to Philochoros, a golden statue of Athene was situated in the great temple weighing forty-four talents; the artisan was Pheidias and Perikles the overseer of the project; Pheidias, after giving false account of the ivory used in the scales of Chryselephantine Athene, was condemned and fled to Elis, where he was put to death some years later when commissioned to build the statue of Zeus.<sup>219</sup> That Philochoros grounded his knowledge of Pheidias' trial on a documentary source is clear from the precision of his figures. As with the account of the census of 445/4, Philochoros gives a non-stereotypical number for the weight of the statue – forty-four talents – a number that might be contrasted with the rounder figure of forty supplied by Thucydides<sup>220</sup> and echoed later by Aristodemos<sup>221</sup> and by Plutarch.<sup>222</sup> Though the information about Pheidias' experience at Olympia may have come down through literary channels,<sup>223</sup> a decree cited by Plutarch offering a reward



for any informant against Pheidias may well have constituted a source of evidence for Philochoros' account of the exile of Pheidias from Athens,<sup>224</sup> and Philochoros may indeed have had access to the audits of Pheidias' overseer, Perikles.<sup>225</sup> The fragment indicates familiarity once again with material unattested in earlier literary sources, and the most economical hypothesis is that Philochoros grounded his research in archives.

Philochoros' close familiarity with details of the building-projects of the 440s and 430s is further illustrated by a fragment that pertains to the construction of the Propylaia. Harpokration cites Philochoros for the date of the project, 437/6, as well as for the name of their architect, Mnesikles.<sup>226</sup> The citation may be supplemented with a passage from Plutarch, stating that the Propylaia were completed by Mnesikles within a space of five years and relating a portent that occurred during its construction: one of the workers, according to the story, fell to the ground from a great height; Perikles, after a visitation by the goddess Athene in a dream, prescribed a course of treatment, and the man was cured; in commemoration Perikles dedicated a statue of Athene Hygeia on the Akropolis near the altar of the goddess.<sup>227</sup> Whether Plutarch drew the tale of the portent from Philochoros is unclear, but the reference to the construction of the Propylaia under Mnesikles indicates a heavy dependence on Philochoros' *Atthis*; hence, it is likely that Philochoros made reference to the dedication of Athene Hygeia. We cannot of course know if Philochoros based his knowledge of either monument in an archival, as distinct from an inscriptional, source, but it is salutary to note that an inscription pertaining to the statue of Athene Hygeia and its architect survives in the archaeological record.<sup>228</sup> Thus, whether Philochoros turned to archives or consulted inscribed texts, the observable fact that Athenians were keeping systematic records of matters connected with building projects gives sufficient indication that Philochoros was able to consult authentic documentary material dating from the 430s. Reliance on documents is also evident from Philochoros' polemic against Theopompos, who dated the construction of the Lyceum to the tyranny of Peisistratos.<sup>229</sup> Philochoros, in contrast with Theopompos, stated that the Lyceum came into existence under the supervision of Perikles,<sup>230</sup> a claim confirmed by a surviving inscription dating from the 430s<sup>231</sup> and by the documentary formula *Perikleous epistatountos* used by Philochoros himself.<sup>232</sup>

Philochoros' narrative of the Peloponnesian War was naturally indebted to the *History* of Thucydides to a great extent, but there are fragments that reveal material of non-Thucydidean origin. Philochoros wrote that the Spartans during their invasion of



Attica kept away from sacred olive-groves called *μυρία*.<sup>233</sup> The first literary allusion to these sacred allotments occurs in Sophokles' *Oidipous Kolonos*,<sup>234</sup> but Philochoros' seems to have obtained his information about the Spartan abstention from the *Atthis* of Androtion.<sup>235</sup> Athenaios cites Philochoros over against Nikomedes of Akanthos, Theopompos and Anaximenes for the dates of Perdikkas of Macedon, who, according to Philochoros, reigned for twenty-three years.<sup>236</sup> Thucydides attests that Perdikkas was on the throne in summer 414<sup>237</sup> but gives no indication as to when he acceded.<sup>238</sup> Philochoros' probable source was the *Μακεδονικά* of the elder Marsyas of Pella, the tutor of Alexander the Great and the brother of Antigonos Monophthalmos.<sup>239</sup> Two fragments from this portion of the narrative pertain to the first Sicilian campaign of 427-424. The first, cited by a scholiast on Aristophanes' *Wasps*, relates the trial and exile of the generals Sophokles and Pythodoros, who were sent out to Laches in Sicily in the archonship of Eukles (427/6) to assist Leontinoi.<sup>240</sup> Philochoros may have made reference to judicial records, but the narrative as preserved gives no information not provided already by Thucydides.<sup>241</sup> More instructive is the second, cited by a scholiast on Aristophanes' *Peace*, concerning a Spartan embassy to Athens to negotiate peace following the Athenian capture of Pylos in 426/5. According to Philochoros, the Spartans restored prisoners of war to Kleon in exchange for captured triremes and put their peace proposals to the Athenian assembly three times; Kleon opposed, and when the chairman put the matter to the Council of Five Hundred it was decided that there be no end to hostilities.<sup>242</sup> Significantly, the fragment contains material not found in the narrative of Thucydides or any other earlier source: though Thucydides describes in some detail the circumstances under which the Spartan embassy was sent and the terms of the peace that they offered, he makes no mention of an application to the Council of Five Hundred after three deliberations in the assembly; all he says is that Kleon attacked the proposals violently and that the Spartans were rebuffed.<sup>243</sup> The fact that Philochoros was able to supplement the narrative of Thucydides with additional detail suggests that he had access to records of the Council, which, as argued, were preserved in archives by the secretaries.<sup>244</sup>

Other fragments from this portion of the *Atthis* either supplement the account of Thucydides or provide information not found in the Thucydidean narrative. In two lines of the *Wasps* Aristophanes alludes to the blockade of Skione that occurred a year before the production of the play. The scholiast glosses the allusion with reference to Philochoros, who stated that in the archonship of Isarchos (424/3) the Spartan general



Brasidas had provoked the Skionians to revolt from Athens and that the Athenians responded by capturing Mende and blockading Skione with the fifty triremes they had sent out earlier.<sup>245</sup> Philochoros' account follows that of Thucydides in almost every detail, except that Thucydides does not describe Brasidas as having incited Skione to revolt.<sup>246</sup> Unless Philochoros was embellishing the truth to portray Sparta as the cause of unrest among Athens' northern allies, it appears that he could access information on the Thracian affairs beyond what he read in the account of Thucydides. Elsewhere in the *Wasps* Aristophanes alludes obliquely to Euboia.<sup>247</sup> Thucydides nowhere refers to a Euboian expedition at this time, but the scholiast states on Philochoros' authority that the Athenians crossed to Euboia in the archonship of Isarchos (424/3).<sup>248</sup> That Philochoros' testimony should not be doubted is clear on consideration of inscriptions dating from the 420s containing lists of sacred property on Euboia.<sup>249</sup> Presumably the expedition resulted in confiscations of land from Euboian cities, and Philochoros will have grounded his knowledge in records of decrees of the assembly authorising the dispatch of the expedition, as well as the confiscation of Euboian territory.

Later in Book IV Philochoros wrote of the scandal of the Hermokopidai. Thucydides narrates the affair in some detail, but again the account of Philochoros supplements that of his predecessor with new material.<sup>250</sup> According to Philochoros, the affair was prompted by Korinth, the mother city of Syracuse with which Athens was presently at war, and the only Herm that stood undefiled belonged to the family of Andokides;<sup>251</sup> the scandal resulted in the proscription of those implicated and the reward a talent for the life of each conspirator.<sup>252</sup> The confiscation of property and publication of names on stelai is mentioned by Andokides himself,<sup>253</sup> and the story of the undefiled Herm originates in statements of the orator<sup>254</sup> and may have been reiterated by Ephoros.<sup>255</sup> Yet there is little doubt that documentary material pertaining to the scandal was available for consultation in Philochoros' time and that Philochoros made extensive use of it. For example, Kratippos can refine the sweeping remark of Thucydides that the Herms throughout the city were defiled with the more precise statement that only those in the Agora suffered mutilation.<sup>256</sup> The Attidographer Melanthios was able to quote the decree under which the conspirator Diagoras was proscribed in 415/4.<sup>257</sup> A collection of inscribed texts known as the "Attic Stelai" dating from the early fourth century re-publish the names of the proscribed and thus show that records were kept after 403.<sup>258</sup> Philochoros, therefore, though indebted to



Thucydides and Andokides, will have been in a position to verify and refine earlier literary accounts with additional material. Significantly, no author until Philochoros made any association of the scandal to the Corinthians, and, though unprecedented, there is no reason to doubt his testimony.<sup>259</sup>

Philochoros' narrative of the Sicilian and Dekeleian Wars also seems to have contained much non-Thucydidean material. Plutarch cites Philochoros concerning a portent that occurred during the ill-fated Sicilian expedition. A seer named Stilbides had accompanied Nikias to Sicily but had died shortly before a lunar eclipse, which the Athenians misinterpreted. When the eclipse took place, the army was dumbstruck and shrunk from its planned advance, whereas, according to Philochoros, it would have been in its interest to continue operations.<sup>260</sup> Thucydides records the event but says nothing of how the sign should have been interpreted.<sup>261</sup> Presumably, then, Philochoros consulted an exegetic source, and noteworthy is that a more complete account of the event appears in the *Exegetika* of Autokleides.<sup>262</sup> Markellinos, one of Thucydides' biographers, cites Philochoros for material concerning an amnesty that followed the Athenian defeat at Sicily.<sup>263</sup> Though Thucydides does not mention an amnesty of this kind in the opening chapter of Book VIII, the preserved narrative nevertheless contained hints of it toward the end.<sup>264</sup> That the decree authorising the return of Thucydides Olorou was available for subsequent consultation is evident from a citation by Pausanias,<sup>265</sup> and its authenticity is confirmed by a reference to Oinibios, who, as independent epigraphical evidence shows, served as general in Thrace in 410/09.<sup>266</sup> A scholiast on Euripides' *Orestes* cites Philochoros concerning a peace offer tendered by the Spartans in the archonship of Theopompos (411/10) but rejected by the Athenians.<sup>267</sup> Neither Thucydides nor Xenophon mention this proposal, and, while Philochoros may have known of it *via* the narrative of Ephoros,<sup>268</sup> the distinct possibility exists that he consulted records of the Council of Five Hundred.<sup>269</sup> A scholiast on Aristophanes' *Wealth* glosses on the authority of Philochoros an allusion by the playwright to lots taken by letter.<sup>270</sup> In the archonship of Glaukippos (410/09), seating in the Council was organised by a system of lots, presumably to avoid factional groupings.<sup>271</sup> Again, no mention of this appears in any earlier literary source, and Philochoros' source may have been the famous Bouleutic Oath re-published in that year, portions of whose inscribed text survive today.<sup>272</sup>

The extent to which Philochoros relied on documentation in the fourth-century narrative is more difficult to gauge, simply because the contemporary literary sources



*Fourth Philippic* to a former benefaction conferred upon the Athenians by the Great King.<sup>280</sup> Most commentators in Didymos' time evidently understood it as a reference to the King's Peace, which, as Xenophon himself attests, the Athenians ratified along with Sparta and the other members of the Quadrupal Alliance.<sup>281</sup> Didymos in contrast holds that Demosthenes could not have been referring to this peace, for the Athenians, contrary to prevailing consensus, did not swear to it. In support of his contention, he quotes Philochoros *verbatim* for the events of the archonship of Philokles (392/1): the Great King, according to the citation, sent down the peace in the time of Antalkidas, which the Athenians did not accept because it contained a clause that the Greeks of Asia live in the domain of the King; the Athenians then on the motion of Kallistratos exiled those ambassadors who had agreed to the peace proposal at Sparta, Epikrates, Andokides, Kratinos and Euboulides. Yet there seems to be an historical confusion. In speaking of the Peace of Antalkidas, Didymos' contemporaries would presumably have been referring to the King's Peace of 387/6, which put an end to the long and desultory war between Sparta and the other cities of the Greek mainland and resulted in a formal recognition from all contracting parties that the Greeks of Asia Minor fall beneath Persian rule. Didymos for his part appears to have mistaken this for an earlier peace initiative, which involved the Spartan ambassador Antalkidas and the King of Persia, contained a clause respecting the Asiatics Greeks, and failed because of the Athenian objection to the clause consigning the eastern Greeks to the Persian yoke.<sup>282</sup> This is the same initiative said to have occurred in the year of Philokles' archonship by Philochoros, whose evidence Didymos carelessly extracted and misappropriated to bolster his argument against the (correct) opinions of his contemporaries.<sup>283</sup> In short, while there is little sound reason to question the accuracy of the citation, Didymos mistakenly supposed that its relevance was to the more famous King's Peace.<sup>284</sup>

The fragment is vital in what it reveals of Philochoros' ability to supplement and rectify the accounts of his literary predecessors with essential historical material not contained in earlier literary texts. Extant contemporary sources for the events of 392/1 are limited to seven bewildering chapters from Xenophon's *Hellenika*<sup>285</sup> and Andokides' speech *On the Peace*, delivered before the Athenian assembly in that year on his return from Sparta.<sup>286</sup> Xenophon speaks of a conference at Sardis between the Spartan Antalkidas and the Persian satrap Tiribazos, during which Sparta, in seeking reconciliation with Persia and an end to Persian support for the Quadrupal Alliance, offered peace on condition that Persian claims to the coastal regions of Asia Minor be



recognised. Andokides for his part makes no allusion to the conference at Sardis nor to Persian involvement but speaks at length about a conference at Sparta, to which the major cities of mainland Greece sent representatives to negotiate an end to the war on the Greek mainland. The evidence of Philochoros supplies the binding link. Whereas Xenophon fails to mention a congress at Sparta and indeed constructs an account that would logically preclude such a convention, Andokides, whose aim is to persuade the Athenians to accept the peace proposals to which he and his colleagues had given their preliminary consent at Sparta, is understandably reticent about any involvement on the part of Persia and about the Asiatic Greeks.<sup>287</sup> The inadequacy of Xenophon's narrative lies in its account of the processes by which the initiatives failed: if Xenophon is to be trusted, the conference between Tiribazos and Antalkidas was interrupted by an allied embassy, which reached Sardis at roughly the same time as Antalkidas; the allies protested because of the clause touching the Asiatic Greeks, and Tiribazos placed Konon, the leader of the Athenian embassy, under custody; the other ambassadors from the Quadrupal Alliance returned to their respective cities, and Tiribazos, who in the meantime had journeyed to Susa to consult with the Great King, was replaced by Strouthas, who in turn prosecuted war against Sparta with renewed vigour. Not only does the narrative of Xenophon contain internal absurdities,<sup>288</sup> but also - and far more importantly - it makes the conference at Sparta impossible, since it implies that the peace initiatives were already killed at Sardis.<sup>289</sup> Combination with the speech of Andokides illustrates that Xenophon's account of the affair not only omits essential details but indeed is historically incompatible with the known fact that the initiative did *not* die at Sardis. Philochoros, in short, rectifies the huge defects of his predecessor Xenophon by attesting that a peace did come down from Susa in 392/1, that it was discussed subsequently at Sparta, that the representatives of Athens, among whom was the orator Andokides, endorsed the terms of the peace, and that the proposal was rejected in the Athenian assembly because of the offensive clause under which the Asiatic Greeks were to be sold down the river to Persia. Presumably, then, Philochoros had access both to the terms of the proposals, which would not have been inscribed for the obvious reason that they did not result in the successful ratification of a treaty but would have survived in some archival medium, and to a record of the decree of Kallistratos, which condemned Andokides and his colleagues to exile.<sup>290</sup>

The commentary of Didymos, though displaying some measure of scholarly ineptitude on its author's part, nevertheless contains indispensable historical material



that supplements the more contemporary testimony of Xenophon. In the same context as his citation of Philochoros on the events of 392/1, Didymos alludes on the authority of Philochoros to a successful initiative some years later, when Athens assented to the terms set down by the King and dedicated an Altar of Peace.<sup>291</sup> Though an archontic date is not on this occasion supplied, the reference to the Altar of Peace provides an essential dating criterion, for the *Antidosis* of Isokrates delivered sometime after the Battle of Leuktra in 371 synchronises the dedication with the circumnavigation of the Athenian general Timotheos around the Peloponnese in 375.<sup>292</sup> Didymos' citation is vital in that it vindicates Diodoros' testimony that the peace of 375/4 was a common peace involving not only Athens' allies on the Greek mainland but also the King of Persia.<sup>293</sup> Significantly, Xenophon says nothing of Persian involvement at this time but states in a cursory and incomplete fashion that Athens and Sparta made peace.<sup>294</sup> That Philochoros had access to documentary evidence from which he could improve upon Xenophon's reticence is apparent from the allusion of Pausanias to the statue of Eirene sculpted by Kephisodotos and set up in the Agora behind the statues of the eponymous tribal heroes.<sup>295</sup> That this statue was accompanied by a popular decree is plain not only from the testimony of Cornelius Nepos that public sacrifices to Peace were at this time instituted<sup>296</sup> but also from inscriptional evidence dating from the late fourth century, ordaining that sacrifices be made in the first Attic month before the festival of the Panathenaia, quite possibly the 16<sup>th</sup> of Hekatombaion.<sup>297</sup> In light of this evidence, there is no reason either to doubt the historicity of Philochoros' testimony, as cited by Didymos, or to imagine that Philochoros could not have grounded his knowledge of the peace of 375/4 in authentic documentary material.

There are other fragments from Book V, which, though giving no conclusive indication of the provenance of Philochoros' information, nonetheless indicate that his sources extended far beyond Xenophon's *Hellenika*. Harpokration, glossing allusions in Demosthenes' *First Philippic*<sup>298</sup> and Aristophanes' *Wealth*<sup>299</sup> to a mercenary force in Korinth, states on the testimony of Androtion<sup>300</sup> and Philochoros that the Athenian generals Iphikrates and Kallias used a mercenary contingent to drive the Spartans out of Korinth.<sup>301</sup> The names of the two generals indicate that the date of the expedition was 391, when Agesilaos led a campaign into the Korinthiad.<sup>302</sup> Xenophon expounds the event in some detail,<sup>303</sup> but Philochoros' main source here seems to have been the *Atthis* of Androtion, as is evident from Harpokration's citation, and he may also have consulted the narrative of Ephoros.<sup>304</sup> That he could refer to documentary sources is



suggested, albeit only very circumstantially, by an allusion of Demosthenes to the state maintenance of a mercenary force commanded by Polystratos, Iphikrates and Chabrias, in conjunction with which citizens of Athens defeated the Spartans in the Korinthead.<sup>305</sup> Possibly, records of the expedition and the expenditure on a mercenary army survived in the city archives. Later in the fifth book, Philochoros referred to the institution of symmories in the year of Nausikoos' archonship (378/7).<sup>306</sup> This system of taxation finds a mention in the first of Demosthenes' speeches *Against Aphobos*<sup>307</sup> and more famously in the *Atthis* of Kleidemos,<sup>308</sup> which probably constituted the chief literary source for Philochoros at this point. Nevertheless, there can be little doubt that records of the law by which this new system came into effect survived in archives and that Philochoros, or his immediate source, was able to consult it. Philochoros in an unknown context alluded to the revolt of Miltokythes from the Thracian potentate Kotys.<sup>309</sup> The *Lexicon Demosthenicum* cites Philochoros together with Theopompos, but given Theopompos' anti-Athenian stance it seems probable that Philochoros will have used his testimony with caution.<sup>310</sup> That very precise documentation relating to this affair survived in archival form is evident in the clinical accuracy with which pseudo-Demosthenes was able to date the popular decree authorising the dispatch of Athenian triremes to assist Miltokythes, who had sent ambassadors to conclude an alliance; the decision, states the orator, was taken on the 24<sup>th</sup> of Metagneition in the year of Molon's archonship (362/1).<sup>311</sup> In the same portion of the *Atthis* Philochoros narrated the Athenian involvement with the Maroneitans in their dispute with Thasos over possession of Stryme.<sup>312</sup> Pseudo-Demosthenes alludes to the event in a fair amount of detail,<sup>313</sup> but documentary material survives relating to the conflict between Maroneia and Thasos.<sup>314</sup> More revealing is Philochoros' account of the re-foundation of Datos in Thrace as Philippi.<sup>315</sup> Though his excerptor Harpokration gives no details of the account, the fact that Philochoros included this episode in his narrative is itself significant, because, as documentary evidence shows, the Athenian orator Kallistratos was heavily involved in the re-foundation of the city, and this may have offered the occasion for Philochoros to record the episode in the *Atthis*.<sup>316</sup>

The sixth book probably began with the accession of Philip II to the throne of Macedon in 360 and may have terminated with the Battle of Chaironeia in 338.<sup>317</sup> For this period the abundance of *Philippika* will have constituted an important source for Philochoros, but even here there is good ground on which to postulate a heavy reliance on documentation. Dionysios of Halikarnassos in his scholarly treatise on the



orator Deinarchos cites Philochoros for information regarding the audit of the general Timotheos in the year of Diotimos' archonship (354/3).<sup>318</sup> That Ephoros might have constituted a significant source for Philochoros at this point is suggested by the fact that a sizable account of the trial is given by Diodoros, but Philochoros will not have been able to extract an archontic date.<sup>319</sup> According to Dionysios Timotheos held the command in conjunction with Menestheus,<sup>320</sup> a command associated in other literary sources with the Battle of Embata.<sup>321</sup> That there was an abundance of documentation pertaining to this episode is indicated by a naval document dating from 356/5,<sup>322</sup> and it is most likely that Philochoros grounded his research both in records of Timotheos' audit and in records of decrees authorising the naval expedition. In the same treatise Dionysios alludes to the Battle of Thermopylai, which, he states, occurred in the year of Thoudemos' archonship (353/2) when Deinarchos was eight years of age. Though Philochoros is not cited explicitly, the heavy reliance of Dionysios upon Philochoros in this treatise indicates that Philochoros' *Atthis* is the annalistic source followed.<sup>323</sup> That records of public expenditure on the battle were available for consultation is evident in the statement of Demosthenes that the Athenians spent over two thousand talents on the expedition<sup>324</sup> in the details of the infantry and cavalry involvement supplied by Diodoros.<sup>325</sup> In the same treatise Dionysios cites Philochoros for the date of Athens' colonisation of Samos in the year of Aristodemos' archonship (352/1).<sup>326</sup> This in fact was probably reinforcement, for Athens had sent klerouchs to Samos in 365/4<sup>327</sup> and in 361/0.<sup>328</sup> That documentary records were kept of these events is indicated by the survival in the archaeological record of votive offerings to Athene on the Akropolis, which include a crown dedicated by the Athenian people on Samos.<sup>329</sup>

Reliance on archival documentation is reflected in other fragments from Book VI. Two lexicographers cite Philochoros for the names of the sacred triremes. The first, Harpokration, glossing an allusion in Demosthenes' *First Philippic*<sup>330</sup> opines that the trireme to which Demosthenes refers is the Paralos and backs his opinion with the authority of Androtion<sup>331</sup> and Philochoros.<sup>332</sup> The *Lexicon Cantabrigiense* adds that Philochoros knew four sacred triremes in total, the first two Ammonias and Paralos, the second Demetrias and Antigonis.<sup>333</sup> The first on the list is known from earlier authors, beginning in the fifth century with Thucydides<sup>334</sup> and Aristophanes.<sup>335</sup> The second receives mention in *Aqp*.<sup>336</sup> The last two, however, are not known until 307/6, when Stratokles proposed that two new triremes be named after the newly founded tribes Demetrias and Antigonis.<sup>337</sup> Presumably, the *Lexicon Cantabrigiense* collated a



passage in Book VI with a later portion of the *Atthis*, in which Philochoros narrated the creation of two new sacred triremes in the year 307/6. Given that Diodoros and Plutarch knew of the decree of Stratokles, it is reasonable to presume that Philochoros also was familiar with it.<sup>338</sup> Didymos cites Philochoros for the events of the year of Apollodoros' archonship (350/49), when Athens and Megara became entangled in a border dispute concerning the sacred territory known as the Orgas: the Athenians led a force against Megara under the command of Ephialtes; on coming to terms with the Megarians, they sent out the hierophant Lakrateides and the diadouch Hierokleides to fence off the Orgas and, after sanctifying its boundaries, they surrounded it with stelai on the motion of Philokrates.<sup>339</sup> The citation is valuable in what it reveals not only of Philochoros' dependence on Androtion but also the degree to which both annalistic authors grounded their researches in documentary material. A little earlier Didymos cites Androtion for the same episode, and with one or two stylistic variations it seems that Philochoros more or less transcribed Androtion's account.<sup>340</sup> More important is the correspondence of both versions to documentary material, which in this instance survives on stone. A decree from the year 352/1 encumbers a board of officials [δικάζειν ἐν τῷ Ἐλευσινίῳ τῷ ἐν ἄστει τῶν ὄρων τῶν ἀμφισβητούμενων] τῆς ἱεράς ὀργᾶδος; in line 54 the secretary is instructed ἀναγράψαι τόδε τὸ ψήφισμα καὶ τὸ πρότερον τὸ Φιλοκράτο[υς τὸ περὶ τῶν] Ἰ[ρῶν] ἐν στήλαιν λιθίναιν].<sup>341</sup> Evidently, the decision was not executed until two years afterwards.

Philochoros' familiarity with official state documentation is perhaps nowhere better revealed than in a series of citations in Dionysios treatise *Ad Ammonium* for the events of the year of Kallimachos' archonship (349/8). Dionysios cites three passages from this portion of the *Atthis*, the first of which concerns the alliance between Athens and Olynthos, the second military assistance to Olynthos under the command of the general Charidemos, and the third an Olynthian embassy to Athens begging further reinforcements to prevent the city from falling to Philip.<sup>342</sup> That Athens maintained records of the alliance is evident from a badly preserved inscription referring either to the peace or alliance of 349/8,<sup>343</sup> and, though Philochoros will have had access to the literary narrative of Theopompos,<sup>344</sup> it is likely that he narrated the episode from a different evaluative standpoint. In so doing, he will have needed to consult first-hand documentation, and his use of Athenian documents is reflected in the appellation *hoi Chalkideis hoi epi Thraikhs* that he applied to the Olynthians, a formulation used in official state documents in reference to the people of Olynthos.<sup>345</sup> Philochoros' close



acquaintance with the details of the Olynthian War can be seen from the fragments themselves, which gives exact figures for the light-armed troops who accompanied Chares in the first expedition and the triremes, hoplites and cavalry that accompanied Charidemus in the second.<sup>346</sup> Harpokration cites Androtion<sup>347</sup> and Philochoros for the διαψηφίσις that took place in the year of Archias' archonship (346/5).<sup>348</sup> According to a scholiast on Aischines, a number of διαψηφίσεις were motioned by Demophilos, which resulted in a scrutiny of those registered in the ληξιαρχικά γραμματεία,<sup>349</sup> and the hypothesis to the 57<sup>th</sup> speech of Demosthenes supports this claim.<sup>350</sup> Presumably, Androtion and Philochoros based their accounts on public records of Demophilos' decree, for, though there are allusions to the event in contemporary literature, there is no detailed exposition of the scrutiny or the circumstances under which it occurred.<sup>351</sup> The value of Androtion and Philochoros as supplementary sources for Greek history during this period is more apparent still in another citation by Didymos concerning an embassy sent to the Athenians by the Great King in the year of Lykiskos' archonship (344/3). According to Didymos, the embassy from Persia arrived at the same time as an embassy from Philip concerning the peace contracted some two years earlier; the Athenians received the Persian ambassadors but treated them with excessive suspicion after they proposed renewal of peace between Athens and Susa. Didymos cites three authors in support, Anaximenes,<sup>352</sup> Androtion<sup>353</sup> and Philochoros,<sup>354</sup> but puts greatest value on the testimony of Philochoros, which places the Persian embassy at the outset of the archontic year 344/3 – *i.e.* summer 344. The reason for Didymos' preference of Philochoros is not immediately obvious, but it is *a priori* likely that Philochoros gave crucial historical information not found in the other two treatises cited. The special value of Philochoros' testimony lies in its dating of the King's embassy to the summer of 344, important insofar as it shows that Persian embassy could not have coincided chronologically with either of the two Macedonian embassies sent to Athens in that year, the first of which did not arrive until late autumn or early winter 344,<sup>355</sup> the second of which came in spring 343, when Philip sent Python of Byzantion.<sup>356</sup> These facts clearly militated against the picture supplied by Anaximenes, who, in an older historiographical tradition stretching back to Herodotos<sup>357</sup> and Thucydides,<sup>358</sup> must have narrated the events thematically rather than with strict attention to chronology.<sup>359</sup> Evidently, Philochoros had at his disposal documentary material from which he could date with high precision both the Persian and the Macedonian embassies.<sup>360</sup>



Philochoros narrated the events leading up to the breakdown of the Peace of Philokrates with characteristic precision. Dionysios cites Philochoros for the date of the Athenian general Diopeithes' activities in the Hellespont, which took place in the year of Pythodotos' archonship (343/2).<sup>361</sup> Though Dionysios' citation supplies nothing more than a date, Philochoros' account of Diopeithes' escapades can be reconstructed in greater detail by collation with a scholion on Aischines, which looks dependent on Philochoros' narrative.<sup>362</sup> According to the scholiast, the Athenians in the archonship of Pythodotos (343/2) sent ambassadors around Greece negotiating an alliance against Philip; the Mantineians, Achaians, Arkadians, Megalopolitans, Argives and Messenians responded by sending embassies to Athens to contract an anti-Macedonian symmarchy. These events shortly followed Diopeithes' offensive in the Chersonese, for the scholiast on Aischines mentions the Kardians, who were at that time receiving help from Philip.<sup>363</sup> Philochoros' ability to date all these events with precision can only be explained if it is assumed that he had direct access to documentary records both of the embassies and of Diopeithes' trial *in absentia*, and that such records survived is suggested by the survival of an inscribed text of the treaty between Athens and Messenia.<sup>364</sup> Didymos cites Philochoros for the Athenian expedition to Euboia toward the end of the 340s.<sup>365</sup> According to Philochoros, Athens contracted an alliance with Chalkis in the year of Sosigenes' archonship (342/1), and, with the help of the Chalikidians, liberated Oreos under the command of Kephisophon in the month of Skirophorion – *i.e.* early summer 341.<sup>366</sup> At the outset of the following archontic year (341/0) – *i.e.* summer 341 – the Athenian army crossed to Eretria under the command of Phokion and laid siege to the tyrant Kleitarchos, a former political opponent of Ploutarchos whom he had acceded to the tyranny; the Athenians, once they had reduced the city, restored the democracy.<sup>367</sup> Among contemporary literary sources the only two references come from the orators Aischines and Demosthenes, the former of whom alludes to the alliance with Chalkis contracted by decree of Kallias,<sup>368</sup> the latter of whom alludes to the overtures made by Philistides tyrant of Oreos to Philip.<sup>369</sup> Philochoros' ability to supplement with more detailed material the passing allusions of contemporary authors and to arrange events in precise chronological sequence is explicable on the supposition that he could access records of the alliances, one of which, the treaty with Eretria, survives on stone.<sup>370</sup>

Philochoros' account of the breakdown of the Peace of Philokrates survives in citations by two authors, Dionysios and Didymos. Of the two, Dionysios is perhaps



the less reliable, as he cites only τὰ ἀναγκαϊότατα.<sup>371</sup> The Peace of Philokrates, states Dionysios, lasted seven years, stretching from the year of Themistokles' archonship (347/6) to the year of Nikomachos' (341/40) and was broken in that of Theopastos' (340/39). The reasons why the two sides broke the peace and the precise date when the peace was broken can, according to Dionysios, be found in the sixth book of the *Attic History* of Philochoros. Dionysios proceeds to cite three separate passages, two from Philochoros' narrative of the events of 340/39, one from the narrative for 339/8. The first describes how Philip attacked Perinthos and then laid siege to Byzantion.<sup>372</sup> The second describes Philip's letter to the Athenians and the response of the people of Athens on hearing it, when, on Demosthenes' exhortations, it voted to demolish the column on which the Peace of Philokrates was inscribed and to prepare for war.<sup>373</sup> The third belongs to the opening of the narrative for the year 339/8 and refers to a proposal of Demosthenes to defer work on the docks and devote all money and effort to the campaign against Philip; Philip then seized Elateia and Kytinion and sent to Thebes embassies of Thessalians, Ainianians, Aitolians, Dolopians and Phthiotians to negotiate an alliance, while at the same time the Athenians sent out Demosthenes to contract an alliance with Thebes.<sup>374</sup> The last passage may be supplemented by a citation of Didymos, which concurs with the citation of Dionysios on almost every detail except Didymos supplies further details concerning Philip's whereabouts at the time of the embassies to Thebes.<sup>375</sup> That Philochoros consulted financial accounts of the construction of the dockyards is suggested by an inscription dating from 330/29, indicating that the building programme begun by Philon in 347/6 had been interrupted and resumed in 330/29 on the motion of Lykourgos.<sup>376</sup> The supplementary value of Philochoros' evidence is visible in the fact that, unlike contemporary sources, which mention only that Philip seized Elateia,<sup>377</sup> Philochoros adds that he seized Kytinion.<sup>378</sup>

Heortological material survives from Book VI. A scholiast on Aristophanes' *Frogs* cites Philochoros on the festival of Chytroi.<sup>379</sup> Though the reference is very oblique, the sheer quantity of documentary material surviving from the 330s relating to cults is noteworthy, especially an inscription referring to a law enacted at the end of 335/4 concerning cultic vessels.<sup>380</sup> A scholiast on Aristophanes' *Lysistrata* claims, on Philochoros' authority, that the Athenians sacrificed in the shrine of Demeter Chloe in the month of Thargelion.<sup>381</sup> That the Philochoros discussed this in two other scholarly treatises, the Περὶ Ἑορτῶν and Περὶ Θυσιῶν seems very likely,<sup>382</sup> but presumably a



law was passed sometime between c. 360 and 322 concerning the cult, and for this reason Philochoros referred to it in the sixth book of the *Atthis*. Surviving from this period is a considerable amount of documentary evidence connected with the goddess Demeter – often referred to simply as Chloe<sup>383</sup> – who appears to have had a cult both in Athens proper<sup>384</sup> and in rural Attica at Tetrapolis.<sup>385</sup> No doubt Philochoros availed himself of existing documentation pertaining to the cult, and his detailed knowledge of it is reflected in a scholion on Sophokles' *Oidipous Kolonos*, which, dependent on Philochoros, describes the meat offerings to Chloe in conformity with the procedural guidelines set out in the regulations at Tetrapolis.<sup>386</sup> In a religious vein, Philochoros also mentioned in the sixth book of the *Atthis* the execution of the seer Theoris for impiety,<sup>387</sup> though he supplies no information that was unavailable in a speech of pseudo-Demosthenes.<sup>388</sup> Elsewhere, Philochoros had occasion to refer to the tripod set up by Aischraios above the theatre to commemorate his choregic victory the year before.<sup>389</sup> That Philochoros knew of Aischraios *via* official records is circumstantially indicated by the fact that his name appears in naval documents from 337/6 to 325/4.<sup>390</sup>

The chronological parameters of the seventh book are difficult to surmise with certainty, but it may have covered the period from Athens' defeat at Chaironeia in 338 to her defeat in the Lamian War in 322 and the accession of Demetrios Phalereus.<sup>391</sup> Only six fragments survive from it. The author of the *Lives of the Ten Orators* cites Philochoros for information on the arrest of Harpalos. According to Philochoros, the amount of money brought to Athens by Harpalos came to a little over three hundred and fifty talents, though Harpalos claimed to possess about seven hundred, and the confiscated money was deposited on the Akropolis.<sup>392</sup> The orator Hypereides, whose figures concur with those of Philochoros, mentions the affair in passing,<sup>393</sup> but that records of the trial survived in an archival form is evident in the fact that the author of the *Lives of the Ten Orators* gives the names of those who participated in it.<sup>394</sup> The same author cites Philochoros concerning Demosthenes' suicide by poisoning.<sup>395</sup> How the tradition came down to Philochoros is unclear, but the fact that Hermippos recorded it may suggest that it came down *via* the early Hellenistic historian Pappos, who might have drawn on a Macedonian archive.<sup>396</sup> Harpokration, glossing an allusion in Demosthenes to officials called ἀποστολῆς,<sup>397</sup> attests that Philochoros referred to them in the seventh book, though he gives no context.<sup>398</sup> Lexicographers attest that the ἀποστολῆς were ten in number and took charge of the dispatch of naval expeditions.<sup>399</sup> Though orators allude to the ἀποστολῆς, contemporary sources



give no indication of their number, and it is reasonable to suppose that the figure ten derives from Philochoros, who drew his knowledge from archives.<sup>400</sup> Harpokration cites Philochoros for the establishment of the νομοφύλακες,<sup>401</sup> a little known panel that came into existence in the time of Demetrios Phalereus and seem to have taken over duties formerly undertaken by the Eleven.<sup>402</sup> A more bewildering citation in the *Lexicon Cantabrigiense* implies that the institution came about when Ephialtes left the Areiopagos with jurisdiction over blood-trials,<sup>403</sup> but this is unlikely to have come from the seventh book of the *Atthis*, which precludes the statement on chronological grounds, and probably results from a later rationalisation based on the text of Αθπ., which, though containing no mention of the νομοφύλακες, nevertheless states that Ephialtes took from the Areiopagos guardianship of the laws.<sup>404</sup> That Philochoros grounded his knowledge of these officials in the laws of Demetrios is most probable. Athenaios cites Philochoros for information concerning the γυναικονόμοι,<sup>405</sup> another board instituted by Demetrios<sup>406</sup> whose duties were to oversee the sexual morality of women.<sup>407</sup> That Philochoros based his knowledge in archival records is suggested by a reference in Aelian to a decree of Lykourgos pertaining to sexual misconduct.<sup>408</sup>

The fragments from books III-VII together illustrate the scope of Philochoros' research into literary and documentary sources. Philochoros, far from re-producing in an uncritical and derivative fashion a tradition of material that had built up through successive annalistic *Atthides*, grounded his researches in literature ranging from the early genealogical treatises to the works of historians, poets, dramatists and orators, all the time supplementing earlier literary sources with additional material culled from city archives. The "last and greatest Atthidographer", the fragments of his *Atthis* reveal the depth of Philochoros' understanding of the history of his city and throw into relief the loss incurred upon modern historians by the failure of subsequent ages to preserve his work for posterity. Not only does the historical material provided by Philochoros frequently re-affirm the testimony of previous authors, but more often it refines the narratives of literary predecessors and sheds new light on Athenian history. This survey has tried to demonstrate that the historical methodology of Philochoros was sophisticated and the sources on which he relied complex and multifarious. It is misleading therefore to insist on any rigid subservience to earlier Atthidographers or to assume that Philochoros, in writing a history of Athens, sought simply to re-tell a tradition of historical material imparted to him in a more or less identical format by earlier chroniclers. As a generically innovative work, the *Atthis* of Philochoros, while

incorporating material from local historians stretching back to Hellanikos in the fifth century, was by no means rooted in the works of those authors, and its *raison d'être* was precisely its intention to re-construct the history of Athens in a new and original fashion. Philochoros was a serious historian, and the remnants must be respected.



## Conclusion

The issues addressed in the course of this study have been complex, and in order to give it closure it is essential to summarise its main arguments. The purpose of our investigation has been to situate the historian Philochoros within a broader tradition of historical writing beginning with Herodotos in the fifth century and continued by the local historians of Athens, to whom we refer under the convenient classification of the *Atthidographers*. Philochoros, the “last and greatest *Atthidographer*”, is believed in modern times to have inherited from his literary predecessors a tradition of historical material whose origins lay in oral narrative and which since the late fifth century had been re-narrated in the form of annalistic literary accounts. The historical techniques of Philochoros were on that line of reasoning largely derivative both in terms of the subject matter that he handled and in respect of the literary format that he employed. Against that interpretation, we have argued that Philochoros was innovative both as a literary figure and as a researcher and that the basis of his information lay not in oral tradition nor even primarily in earlier literary accounts but in archival documentation.

Our approach has been threefold. First, we argued that the genre of local Attic historiography, or more simply “*Atthidography*”, was not as narrowly circumscribed in its literary parameters as scholars have tended to believe. Independent evidence in the form of citations and secondary testimonia indicates against the trend of modern thinking that an *Atthis* was not necessarily a local chronicle, and the great majority of works that at some stage in the course of their transmission received the title did not in fact adopt an annalistic rubric. If read without the hindsight of late Hellenistic generic classifications, the ancient evidence suggests that an *Atthis* was any work of literature devoted to the history and antiquities of Athens and Attica. Though at least one work attested under the title was written in verse, most appear to have been prose works of diverse concern and with individual literary characteristics. The formulation “any work of literature” must of course be applied with caution, for it is admittedly true that some works, notably the (pseudo)-Aristotelian *’Αθπ.*, whose specific concern is the evolution and nature of the Athenian constitution are never attested under the

title 'Ατθίς. This, I suggest, is due in principle to the fact that 'Αθπ. saw the light of day just at the time when rigid generic classifications were coming into vogue and when a need was first felt to identify constitutional treatises of its ilk under a separate generic heading. The title 'Ατθίς was reserved for historical and antiquarian works whose main focus was not the Athenian constitution but which may have touched on constitutional matters. These took the form of genealogical investigations, chronicles, and other local disquisitions of a mythical or an aetiological nature. Local historians from the time of Hellanikos in the late fifth century to Philochoros in the mid third did not fashion their narratives according to a single set of generic specifications, and the sheer variety exhibited among the *Atthides* of literary format and subject matter shows that the *Atthis* of Philochoros presupposes a diverse literary tradition. By composing a chronicle himself, Philochoros was not following a hackneyed literary form but was organising his historical material in a relatively innovative and untested fashion.

Secondly, we turned our attention to the purposes of local historical writing at Athens and assessed the claim that historians from Herodotos to Philochoros narrated history in line with a special political or ideological affiliation. It was concluded that, while historians presented biased and in some cases polemical historical accounts, the modern inference that the aim of a local historian was to champion a political group is unwarranted. Even in the case of Herodotos, whose treatment of the downfall of the Athenian tyranny is fraught with value judgment, there is little (if any) justification to the modern theory that the historical claims embodied in his text were representative of a contemporary political faction, and in every instance where an historian is known to have deviated from *opinio communis* we must take account above all of his specific historical and theoretical standpoints. Philochoros, as the sparse relics of the *Atthis* illustrate, conceived the history of the Athenian constitution in terms of an evolution from a form of government opposed in all its structures to popular self-rule to one in which the people wielded supreme sovereignty. His conception owed itself not to a trend of thinking fashionable among individual political groups at Athens but rather to the influence of fourth-century political theory. The overriding impression derived from the Attic orators is that Athenians of the classical age construed their history in terms of a political continuity, and the idea that the democracy evolved from earlier, less democratic forms of government is one that 'grew up only within educated circles. The historical perceptions and viewpoints reflected in Philochoros' *Atthis* therefore shared little in common with the way in which history was perceived by Philochoros'



contemporaries, and the *Atthis* found its milieu not in the quagmire of local Athenian politics but in a world that was exclusively literary in its horizons.

Thirdly, we addressed the very complex and speculative issue of methodology. Until now scholars have assumed that written history drew its material directly or indirectly from oral tradition and that the Atthidographers from the time of Kleidemos onward based their narratives on material inherited *via* their predecessors Herodotos and Hellanikos from oral sources. We argued in contrast that oral tradition exerted a minimal influence on local historical writing at Athens and that Philochoros based his historical enquiries on archival documentation. Though there is little way of proving these contentions, the very detail and precision with which Philochoros narrated fifth-, fourth-and (presumably) third-century history is explicable only if it can be assumed that behind the *Atthis* lay a reliable documentary tradition from which the history of Athens could be re-constructed. That is not to say that Philochoros made no use of earlier literary sources. Indeed, if a thorough researcher, he will have explored every available avenue of information. On the other hand, even if it can be assumed that Philochoros made extensive use of literary material, the question remains as to where ultimately historians derived their knowledge of past events. The argument advanced here is that such knowledge came not from oral tradition, as is widely supposed, but from documentary sources. These will have comprised records of laws, decrees, lists of public officials, audits, minutes of the Council of Five Hundred, judicial decisions, treaties, embassies and other official correspondence. Together, the vast wealth of documentary material that had accumulated in public archives since the beginning of the Athenian democracy will have afforded local chroniclers of a later age with ample material from which to re-construct Athenian history. Of all available hypotheses the most economical is that Philochoros grounded his researches in archival materials.

If correct, the arguments presented in the foregoing discussion require a more general re-assessment of the nature of historiography as literature and its relationship to oral narrative. Ancient historiography did not originate as a mechanism through which historical accounts previously transmitted by word of mouth could find a more permanent expression. Indeed, written history from its first inception exhibits little in common with oral tradition. The purpose of an historian was not to clothe in literary guise popular perceptions of history but instead to re-formulate those perceptions, often in ways that subverted what was commonly believed in the historian's own day. We cannot hope to re-construct in anything but a most primitive sketch the manner in

which Athenians in Herodotos' time perceived the overthrow of the Athenian tyranny, and the account of Herodotos must be read not an "Alkmaionid" or an "Athenian" account but as an independent literary creation. Philochoros *qua* historian similarly must not be assumed to have embodied in his narrative conceptions of history held by a small political group, and the overriding historical presentation reflected in the relics must be treated as the product of Philochoros' own creative thinking.



## Appendix I.

LEX CANTABR, P 354 1N = KLAUDIOS KASILON (Miller *Mélanges* p.398) = LEX. DEMOSTH.. 23 (*P.Berol.* 5008) B 27. The method of ostracism. Philochoros expounds ostracism in the third book, writing thus: [Ostracism as follows.] The *demos* decided in a preliminary vote by show of hands before the eighth prytany whether it seemed good to cast the ostrakon. When they decided in favour, the Agora was fenced around by wooden boards, and ten entrances were left remaining through which they would enter tribe by tribe and place the ostraka turning the inscribed face downward. The nine archons and the Council presided. To whomever there was the greatest number of counted (ostraka) and no less than six thousand, this man, paying the penalty and ensuring that his affairs were sorted out within ten days, would have to leave the city for ten years (later it became five), living on his own produce and not trespassing within the promontary of Geraistos on Euboia. Of those who fell victim, only Hyperbolos was ostracised for the indecency of his habits rather than from suspicion of tyranny. After this the custom was abolished, a custom that began with Kleisthenes after he overthrew the tyrants, so that he might cast out their friends also.

SCHOL. AR. *EQ.* 855. This was the method of ostracism. The *demos* decided in advance to the ostrakon, and when they decided yes they fenced the Agora with wooden boards, through which they would enter tribe by tribe and place the ostrakon (or ostraka) turning the inscribed face downward. The nine archons and the Council presided. Those [ostraka] having been counted of which there was the greatest number and no less than six thousand, this man had to leave the city within ten days. If there were not six thousand, he did not leave. Not only did the Athenians practise ostracism but also the Argives and Milesians and Megarians, and nearly all the most decorated men were ostracised – Aristeides, Kimon, Themistokles, Thoukydides, Alkibiades. Continuing down to the time of Hyperbolos, the custom of ostracism was abolished with him, who did not obey the law because of the weakness which befell Athenian affairs in later times.

The first lemma is reconstructed from three sources: (1) an entry on ostracism in the *Lexicon Cantabrigiense*; (2) the researches in the Athenian orators by a certain Klaudios Kasilon; and (3) a portion of the *Lexicon Demosthenicum* preserved on a Berlin papyrus (*P.Berol.* 5008). The versions of Klaudios Kasilon and the *Lexicon Cantabrigiense* are the most complete and, with one minor variation in line 5, where Klaudios supplies ὅτῳ (“to whomever”) and the *Lex. Cantabr.* reads ὅτε (“whenever”), manage to agree on every reading. The Berlin papyrus preserves the text as far as δίκαια δόντα (line 6) and contains more significant deviations. In lieu of ὀστρακισμούς...οὕτω (lines 1-2) as supplied by Klaudios and the *Lex. Cantabr.*, the papyrus has ὅτι δὲ ἔστιν ὀστρακισμός ἄλλοι δὲ πολλοὶ εἰρήκα]σιν καὶ Φιλόχο[ρος.....φησ]ιν. In line 2, the papyrus reading ὁ δὲ ὀστρ[κισμός τοιοῦτος] is omitted by Klaudios and *Lex. Cantabr.* While Klaudios and *Lex. Cantabr.* have εισιόντες at line 4, the papyrus gives the present participle [εἰσφερχομέν]οι, and instead of καὶ μὴ ἐλλάτω ἑξακισχίλιων in line 6 the papyrus has εἰ μὲν εἴφερε πλείον τῶν F). Jacoby’s edition of F 30, reproduced above, relies predominantly upon the texts of Klaudios and the *Lex. Cantabr.* in every reading except for line 2 (ὁ δὲ ὀστρ[κισμός τοιοῦτος], which Jacoby retained and which I have inserted in square brackets. Given that the entire quotation of Philochoros looks like a scholarly gloss (argued below), I see no objective way of determining whether this phrase originated in the *Atthis* or whether it is a later addendum but, for reasons of consistency, would prefer to omit it in deference to the readings of Klaudios and the *Lex. Cantabr.*

Jacoby (*Text* 315) speculated that the immediate source of the excerpts was not the *Atthis* itself but an abridged version composed by the first-century B.C. scholar and literary critic, Didymos Chalkenteros. His hypothesis rests on a number of considerations. First, there is no precise indication in the text as to the prytany in which the preliminary vote (the προχειροτονία) on whether to hold on ostracism was to be held, even though we know from other sources that it took place in the sixth (cf. Ἀθπ. 43.5). Second, the text is not explicit as to when the ὀστρακοφορία happened but states merely that the preliminary vote was to be held before the eighth prytany; this, of course, does not preclude the possibility that the ostracism could take place any time after the seventh, but the allusion to the eighth would in that case require explanation, given our precise knowledge that the preliminary vote took place in the



sixth. Third, and most importantly, the testimony of Philochoros as quoted by the three excerptors is incompatible with Plut. *Arist.* 7.5, attesting that a quorum of six thousand ostraka in total was necessary if the ostracism was to be effective. If read in a literal sense, the citations of Philochoros imply that at least six thousand ostraka needed to be cast against one person. Thus, assuming that Philochoros, 'Αθπ. and Plutarch had all described the same law, Jacoby maintained that excerptors drew not upon an original text but upon a scholarly intermediary who had garbled the text.

R.M.Errington (1994), however, has recently challenged the proposition that the law described by Plutarch and 'Αθπ. originated in the late sixth or early fifth centuries and, in turn, has postulated the existence of a hypothetical law on ostracism dating from c. 338 following Athens' defeat by Philip at Chaironeia. It was this law, he argues, which specified the need for a quorum and that the preliminary vote be held in the sixth prytany. Errington's hypothesis belongs to a broader argument that in 338/7, the year of Athens' defeat by Macedon, the entire body of Athenian law underwent recodification. Though we have no explicit testimony to this event, Errington infers from the unprecedented terminology reflected in inscribed decrees from the 330s and 320s that a new constitutional blueprint was devised in 338/7, laying down a rigid agenda of public business to be conducted at every meeting of the assembly in each prytany. This hypothetical new law code, he argues, stipulated *inter alia* that the practice of ostracism, which had fallen into abeyance since the late fifth century, be revived and that both the preliminary vote and the ὀστρακοφορία, if voted on, would be held at designated times in each year. The constitutional procedures that it laid out bore no resemblance to those of the original law. If correct, Errington's thesis has some important implications for our reading of F 30; indeed, if we allow for the possibility that Philochoros on the one hand and Plutarch and 'Αθπ. on the other described different laws, Jacoby's doctrine that the preserved excerpts of Philochoros are corrupt no longer seems necessary.

Still, there are some important objections to Errington's case. First, it rests upon the unsupported assumption that after Chaironeia a new procedure was required to rid the city of treacherous leaders. Yet Athens already possessed elaborate constitutional machinery to meet these needs, and, though the process of ostracism had the merit of filtering out potential rather than proven menaces, it was nonetheless an unpredictable and therefore inherently clumsy mechanism. Second, we do not know for certain that the ostracism of Hyperbolos in 413, the last on record, resulted

in a formal abolition of the law, as Errington seems to assume. Rhodes (1981: 526) argues that the Kleisthenic law on ostracism was enshrined in the late fifth-century legal compilation and was, at least in letter, if not in practice, observed in the fourth century, and the very notion that a new law on ostracism need have been passed in 338/7 itself rests upon the hazardous and unprovable assumption that no law on ostracism existed in the earlier part of the fourth century. Third, as Rhodes (1995) elsewhere has stressed, the fact that new rubrics appear in inscribed decrees in the last third of the fourth century does not itself demonstrate that the constitutional procedures in force at this time were necessarily new, merely that the prescripts of inscribed texts were beginning to elucidate already existing procedures in greater detail than ever before. Thus, the evidential basis for the view that the Athenians tightened their constitutional blueprint is open to question.

On balance, I prefer to discount Errington's hypothesis of "two laws on ostracism", for which there is no direct evidence and for which the circumstantial evidence is, at best, inconclusive. My analysis of the text of Philochoros will assume that the law described in the lemmata is the same as that described by Plutarch and the author of *Aθπ.*

Προχειροτόνει.....τὸ ὄστρακον εἰσφέρειν]. This sentence has generated abundant discussion, since *'Aθπ.* 43.5 states: ἐπὶ δὲ ἑκτῆς πρυτανείας πρὸς τοῖς εἰρημένοις καὶ περὶ τῆς ὀστρακοφορίας ἐπιχειροτονίαν διδόασιν εἰ δοκεῖ ἢ μὴ, κτλ. The disparity between *'Aθπ.*'s attribution of the preliminary vote to the sixth prytany and Philochoros' less exact statement that the people should vote any time before the eighth on whether or not to hold an ostracism prompted Lugebi! (1867:13) to conclude that *'Aθπ.* and Philochoros drew upon two contradictory traditions, one of which fixed the preliminary vote within a narrow time frame, the other of which left the provisions relatively open-ended. Mueller-Struebing (1878: 42), on the contrary, suggested that Philochoros, like *'Aθπ.*, had assigned the preliminary vote to the sixth prytany but that his excerptors had conflated the testimony on the προχειροτονία with that on the ostracism itself, which Philochoros assigned to the eighth. Carcopino (1935: 34) proposed a more economical, though altogether less plausible, solution, namely that the phrase πρὸ τῆς ὀγδόης πρυτανείας be shunted to the end of the clause, leaving it to read: προχειροτόνει μὲν ὁ δῆμος εἰ δοκεῖ τὸ ὄστρακον



εἰσφέρειν πρὸ τῆς ὀγδόης πρυτανείας. On that emendation, the people do not conduct a preliminary vote before the eighth prytany but vote (in the sixth prytany) whether to hold an ostracism before the eighth; in other words, the actual ostrakophoria took place in the seventh. Yet Carcopino provided no satisfactory explanation for why Philochoros should have indulged in the vague expression πρὸ τῆς ὀγδόης πρυτανείας, much less why he should have omitted to mention that the preliminary vote took place in the sixth, and Mueller-Struebing was doubtless right to suppose that the entire sentence is a paraphrase of what Philochoros must originally have written.

A further objection to the preserved text concerns the allusion to a procedure called προχειροτονία, which, according to Harpokration (s.v. *ad loc.*), determined by simple majority of hands whether or not an item of business should be placed on the agenda for the day. The technical term used by Ἀθπ. for the preliminary vote in the sixth prytany is ἐπιχειροτονία, though not all editors are satisfied with Ἀθπ.'s choice of terminology. Wilamowitz and Kaibel (1893: 154) emended the text of Ἀθπ. 45.3 to προχειροτονίαν to match the term used by Philochoros. Rhodes (1981: 527), on the other hand, has drawn attention to the fact that the reading of ἐπιχειροτονίαν in the papyrus MS is confirmed by a citation of Ἀθπ. in the *Lex. Cantabr.* (cf. *FGrHist* 228 F 4) and holds that whether or not its usage was correct ἐπιχειροτονία was doubtless the term that Ἀθπ. used. Given that Harpokration does not associate the procedure of προχειροτονία with ostracism, I believe that Philochoros' excerptors misapplied their terminology and that Philochoros had used the simple term χειροτονία, which in the course of transmission acquired the prefix προ- to foreshadow πρὸ τῆς ὀγδόης κτλ.

διαριθμέντων...μὴ ἔλαττω ἑξακισχιλίων] This is an extremely difficult clause to interpret, both because of its convoluted syntax and because of its questionable historical implications. If syntax is strictly observed, διαριθμηθέντων must be taken as a partitive genitive dependent on πλείστα, so that the text down to ἑξακισχιλίων stands as a relative clause dependent upon ὅτῳ. The text means: "To whomever there was the greatest number of counted (ostraka) and no less than six thousand, this man *etc.*". The most natural implication is that ostracism could only be successful if the greatest number of ostraka inscribed with the same name came to a minimum total of

a partitive genitive, the word ἀριθμηθέντων in scholion introduces a genitive absolute and might well imply two countings, one of the total sherds cast and another of the name inscribed upon the greatest number of them. If, as seems likely, the information supplied by scholiast derives ultimately from the *Atthis* of Philochoros, it is possible (though not certain) that Philochoros described two stages in the counting, the first of which determined the total number of ostraka cast, the second the greatest number of sherds bearing the same name. This suggestion tallies with the testimony of Plutarch (*Arist.* 7.2-6), stating that the number six thousand represented a quorum and that, within this total, the man whose name was inscribed upon the greatest number of sherds went into exile for ten years. Pollux (8.19), however, re-affirms the quotation by Klaudios (cf. ὅτω δὲ ἑξακισχίλια γενοίτο τὰ ὀστράκα, τοῦτον φυγεῖν ἔχρην), and, if the lexicographer based his understanding of ostracism on the *Atthis*, the possibility remains that Philochoros did indeed impute to the law on ostracism the requirement that a minimum of six thousand ostraka be cast against the victim.

The clinching issue is whether Plutarch himself relied upon the *Atthis* for his knowledge of ostracism. That he did is suggested by participial phrase καρπούμενον τὰ ἑαυτοῦ (*Arist.* 7.6), which echoes *verbatim* the words of Philochoros as cited by Klaudios and the *Lex. Cantabr.* If so, we have every reason to suspect that the reception of Philochoros was indirect and that authors, when citing him either in *oratio recta* or in *oratio obliqua*, drew not necessarily upon an original MS of the *Atthis* but often upon secondary citations, many of which were either garbled or inadequate. Given the imprecision exhibited by the excerptors of Philochoros on the question of ostracism, I have little doubt that the tradition feeding into Plutarch is superior and, *a fortiori*, that Philochoros did attest a quorum of six thousand, a quorum otherwise well attested in matters decided in the assembly by secret ballot.

ἑτὴ δέκα (ὥστερον δὲ ἐγένετο πέντε)] That the normal period in which a victim of ostracism was supposed to keep his distance was ten years is confirmed by other sources (cf. schol. Ar. *Vesp.* 947 with commentary *ad loc.*; Plat. *Gorg.* 516d; [Andok.] 4.2; Plut. *Arist.* 7.6; *op. cit.* 35; *Nik.* 11.1). When it was adjusted to five years is not known, though Theopompos attests that Kimon was recalled by the people in the fifth year of his ostracism (*FGrHist* 115 F 88) and that Hyperbolos was ostracised for six years (*FGrHist* 115 F 96). As Jacoby (*Text* 317) observed, it is improbable that the



year of his ostracism (*FGrHist* 115 F 88) and that Hyperbolos was ostracised for six years (*FGrHist* 115 F 96). As Jacoby (*Text* 317) observed, it is improbable that the cases of Kimon and Hyperbolos presuppose revisions in the law on ostracism. The recall of Kimon was doubtless due to military exigencies imposed by the First Peloponnesian War, and that Hyperbolos' ostracism lasted six years instead of ten owed itself to his murder while in exile. It is, moreover, unlikely that the information which appears in parentheses in the texts of Klaudios and the *Lex. Cantabr.* could have come from an annalistic source, all the more indication that the text as preserved is a gloss on the original text of Philochoros.

ἐντὸς Γεραιστοῦ τοῦ Εὐβοίας ἀκροτηρίου] Two brief comments need to be made here. First, 'Αθπ. 22.8 defines the exclusion zone as an imaginary line running from Skyllaion to Geraistos, and it is distinctly likely that the mention of Skyllaion has dropped out of the text of Philochoros as preserved. Second, and perhaps more importantly, 'Αθπ. attests that the requirement was added in 480, the year of the second Persian invasion of Greece. If 'Αθπ. is to be trusted, we infer that Philochoros had cited a law dating from the second decade of the fifth century.

μόνος δὲ Ὑπερβολος....end.] This marks the beginning of what Jacoby (*Text* 316) termed the historical portion of the fragment. Jacoby argued that, while the technical discussion of ostracism in the text of Klaudios and the *Lex. Cantabr.* was a paraphrase of Philochoros, the additional information concerning the date of its institution and demise are scholarly accretions, which, even if gleaned from other portions of the *Atthis*, almost certainly could not have been appended to the "technical" discussion within the context of an annalistic entry. Developing Jacoby's argument, Werner (1958) postulated that the "historical portion" was entirely the work of Didymos, the hypothetical intermediary through which the excerpts had reached Klaudios and the *Lex. Cantabr.* (see above, p. <sup>181</sup>Λ), and argued *a fortiori* that, while the substance of the law as represented by Philochoros' excerptors derives indirectly from the *Atthis*, the attribution of the law on ostracism to Kleisthenes in the "historical portion" cannot show any debt to Philochoros. On the basis of Harpokration's entry on Hipparchos (*FGrHist* 324 F 6), which implies that the law on ostracism very recently antedated

Though the view that Androtion dated the institution of ostracism to the 480s nowadays wins little favour (cf. Thomsen 1970, 1-60; Harding 1994, 95-7), I believe that the grounds for ascribing the ostracism law to Kleisthenes are weak. Archaeological finds indicate that ostracism was not practised before the 480s (cf. Thomsen 1970, 109-42), and, though this does not preclude the possibility that procedures were defined earlier in statute, the notion that practice presupposes statute is itself questionable. It is not inconceivable that a standard blueprint for ostracism did not emerge in writing until after the practice was adopted. That, of course, is speculation and, moreover, swims upstream against the literary tradition as represented by Ἀθπ. and Harpokration, which, though perhaps disagreeing on the precise date of the law, agrees that it was formulated some time prior to the ostracism of Hipparchos son of Charmos. Still, the value of the literary tradition falls under suspicion when we consider that, while Ἀθπ. echoes closely the wording of Androtion F 6 as represented by Harpokration, the dates assigned to the law on ostracism are incompatible. If, as I think is thoroughly likely, the literary sources as preserved are defective, we must not exclude from consideration the possibility that the passage of the law postdated rather than preceded the assumption of the practice.

My analysis of this fragment, if correct, has considerable implications for my broader thesis that later citations, even those in *oratio recta*, are frequently corrupt and, by implication, that caution be taken when trying to estimate the nature and merits of a fragmentary work solely on the evidence of its quoted remnants. As argued in Chapter II, such a tendency has fatal consequences for modern scholarly estimations of Hellanikos' *Atthis*, not least since the theory that the genre of Attic chronicle began in the fifth century rests chiefly upon a decontextualised citation from an unknown portion of Hellanikos' work in connection with the enfranchisement of Athenian slaves in 407/6 (*FGrHist* 323a F 25). Philochoros F 30 illustrates further the danger of placing excessive faith in historical fragments as preserved in secondary sources. Certainly, when no firmer evidence exists, we must operate on a principle of charity and assume that the author has been faithfully represented but, when secondary citations militate against external testimony, we must equally be prepared to question this assumption. Certainly, in the case of Philochoros F 30 (and indeed Androtion F 6), we have every reason to suspect that transmission is faulty, and from the point of view of methodology it is surely hazardous to attempt to reconcile Philochoros (as



preserved) with 'Aθπ. and Plutarch by, for example, postulating the existence of two different laws on ostracism.

## Appendix II.

PHOT. SUD. s.v. ὀργεῶνες. Concerning the orgeones Philochoros has also written: "It was necessary for both orgeones and homogalaktes whom we call gennetai to receive phraters."

HARPOKR. SUD. s.v. γεννήται. Philochoros in the fourth book of the *Atthis* says that those whom they now call gennetai were formerly called homogalaktes.

LEX. PATM. s.v. γεννήται (cf. *BCH* 1, 1877, p. 152). Philochoros in the fourth book of the *Atthis* identifies gennetai with homogalaktes. These, scrutinising and cross-examining those enrolled [being enrolled?] among the phraters whether they were citizens or foreigners, received or rejected them, as Demosthenes [makes clear] in the speech *Against Euboulides*: "Call me both the phraters and the gennetai."

Before proceeding with an analysis of F 35, I must draw immediate attention to my translation of Philochoros as quoted by Photios. Almost without exception, scholars have understood the Greek to mean: "It was necessary for phraters to accept both orgeones and homogalaktes, whom we call gennetai." That reading of Philochoros (*apud* Photios) relies solely upon the position of ἐπ'ἀνάγκης within the main clause, which at first sight might be taken to imply that φράτορας is the subject of δέχεσθαι and ὀργεῶνας and ὁμογάλακτας the direct objects. Yet all three nouns appear in the accusative, and it is possible syntactically to read ὀργεῶνας and ὁμογάλακτας as the subjects of δέχεσθαι and φράτορας as the direct object. Perhaps the reason why this alternative reading has received no consideration is because, when interpreting Philochoros F 35, scholars have looked no further than Photios. If, however, the testimony of all three lexicographers, most particularly the third, is considered, new interpretative possibilities arise affecting not only our reading of Philochoros but also our understanding of the relationship between phratries and other cultic groups.



That ὀργεῶνας and ὁμογάλακτας must be understood as the *subjects* of δεχεσθαι is implicit in the statement of the *Lex. Patm.* that gennetai scrutinised τοὺς ἐγγραφομένους εἰς τοὺς φράτορας to ensure that they were lawful Athenian citizens before accepting or rejecting them. The moot point is how ἐγγραφομένους is to be interpreted. Andrewes (1961, 8) inferred from the use of the present participle that the cross-examination by the gennetai temporally and causally preceded the final act of acceptance in or rejection from the phratry. Thus, he argued, gennetai determined the legitimacy of candidates' claims to citizenship while the candidates were being enrolled in phratries, and their verdict had a direct effect on whether or not application *to the phratry* was successful. This analysis is defective for two reasons. First, it is not clear, as Andrewes held, that ἐγγραφομένους εἰς τοὺς φράτορας has the sense of "being (*i.e.* in the process of being) enrolled among the phraters". The use of the present tense to express a present perfect concept is well attested in Greek, and, if the lexicographer had wished to convey a temporal relationship of the kind postulated by Andrewes, we might have expected either a future participle (ἐγγραφησομένους) or μέλλοντας with a present infinitive (ἐγγράφεσθαι). At most, ἐγγραφομένους here has the sense of "being on the roll", and, unless we assume that the decision of the genos predetermined that of the phratry (this, indeed, needs to be proved), the more natural implication is that gennetai scrutinised those already enrolled in phratries before enrolling them. Second, Andrewes' reading of ἐγγραφομένους misconstrues the broader argument of *Lex. Patm.* In the lexicographer's opinion, anyone whose citizenship was contested in court could appeal not only to his phraters but also to his gennetai as supporting witnesses. The point is not that cross-examination by gennetai had some direct consequence upon enrolment in a phratry but rather that gennetai accepted or rejected applicants to their own societies on the basis of whether they deemed them to be lawful citizens. Thus, Demosthenes can call upon the testimony *both* of Thoukritos' phraters *and* of his gennetai, since both will have cross-examined him and, in so doing, will have established independently that he was a citizen.

As a working hypothesis, I propose that the law cited by Philochoros enjoined orgeones and gennetai to accept within their numbers only those who had lawfully been admitted into a phratry. This, of course, should not be taken to imply that membership in a phratry guaranteed access to a society of orgeones or gennetai but rather that it was a necessary precondition for access to these groups, subject to a



further scrutiny. Specifically, I wish to take issue with the thesis of Andrewes (1961), who read  $\phi\rho\alpha\tau\omicron\rho\alpha\varsigma$  as the subject of  $\delta\acute{\epsilon}\chi\epsilon\sigma\theta\alpha\iota$  and contended that orgeones and homogalaktes/gennetai were granted under the law of Philochoros automatic membership in phratries. That reading, I believe, not only is incompatible with the implications of the *Lex. Patm.*, if correctly interpreted, but also fails to win support in the fourth-century literary and epigraphical texts which Andrewes himself adduced.

Before testing my own reading upon the fourth-century sources, it is essential to clarify, as far as evidence permits, the meaning of the terms appearing in the law.

$\phi\rho\alpha\tau\omicron\rho\alpha\varsigma$ ]. Lambert's recent monograph (1993) offers a comprehensive survey and analysis of the existing evidence relating to the Attic phratry, a cultic organisation which gave religious expression to membership in the body civic, and there is no need here to discuss every detail concerning its administration, finance, and religious functions. For our immediate purposes, two points need to be stressed. First, though the documentary evidence shows that at least one phratry in Attica consisted of subgroups called  $\theta\acute{\iota}\alpha\sigma\omicron\iota$  (cf. *IG* ii<sup>2</sup> 1237 = Lambert 1993, T 3, lines 71-105), the internal organisation of the phratries may well have varied considerably from case to case, and there is insufficient evidence on which to base any general theory concerning their administration or sub-structure. Importantly, with the notorious exception of 'Aθπ. fr. 3, which most scholars today rightly reject as unhistorical (cf. Rhodes 1981, 73-4), there is little sign in the literary or epigraphical sources that phratries were built up of smaller units of orgeones or gennetai. Second, while no source is explicit on the point that membership within a phratry was a prerequisite for citizenship, there is plenty of circumstantial evidence to suggest that most if not all Athenian citizens in the fifth and fourth centuries belonged to phratries. The most important testimony is Drakon's law on homicide (*IG* i<sup>3</sup> 104 = ML 86 line 18), re-published on stone in 409/8 (cf. Chapter IV), which calls upon the phratry members to adjudicate on the question of pardon in case the deceased had no living relatives to the degree of second cousin and which shows that in the late fifth century, when it was re-published, as well as in archaic times it was a normal expectation that anyone with legal rights and duties within the civic community should belong to a phratry. Indeed, when citizenship was conferred upon aliens in the fourth century and later, the most commonly attested procedure was to enrol the beneficiary in a deme and in a phratry (Manville 1990, 24-6; Lambert 1993, 31-40), and, if the "law of Philochoros" means



what I interpret it to mean, we may reasonably infer that the purpose of the law was to limit membership in societies of orgeones and gennetai to Athenian citizens.

ὀργεῶνας] The most complete study to date of the orgeones is the important article of Ferguson (1944), which surveyed most of the relevant documentary evidence and highlighted *inter alia* their religious character and the hereditary nature of their membership. Apart from the law of Philochoros, whose meaning is open to question, the sources shed little light upon their relationship either with one another or with other cultic groups. Photios (s.v) defines ὀργεῶνες as members of private cultic organisations, which congregated around the worship of a particular hero or god, and, while some (e.g. Hammond 1961, 82) have understood θιάσος as the collective term, we have no explicit evidence for a corporate title. An old-fashioned theory holds that the orgeones comprised the commonality of Attica, who, at the time of the passage of "Philochoros' law", were incorporated into the phratries along side the noble homogalaktes/gennetai (cf. Guarducci 1937, 14-5; Hignett 1952: 61-2; 390-1). That view depends on the notion, for which there is no evidence (see below, under γεννηται), that the homogalaktes/gennetai, the other group mentioned in the law, represented the nobility of Attica and that the purpose of the law was to deprive the nobility of its exclusive tenure of phratry membership. What little documentation exists confirms, at any rate, Photios' judgment merely that orgeones were groups of revellers and contains little specification as to social class or status.

ὁμογάλακτας] Thanks to Philochoros' statement that ὁμογάλακτες (literally, "those of the same milk") was an older term for γεννηται, scholars have generally and with good reason held that the terms were synonymous. Meier (1836) suggested that both were used to denote the same group but that whereas γεννηται signified a blood-relationship and was used in legal contexts ὁμογάλακτες was used in the context of religion. Hammond (1961, 79-81) claimed that there were two categories of gennetai, those who were related by blood and those who were singled out by the label ὁμογάλακτες which denoted entry into the genos by adoption. Bourriot (1976, 661-92), meanwhile, has suggested that the two terms were exactly synonymous but, in radical contrast to most previous scholars, holds that they originally designated members of small communities held together by geographical location rather than by

any bond of kinship. In support, he invokes the testimony of Arist. *Pol.* 1252b, which defines ὁμογάλακτες as members of the primitive village (κωμή) built up of households (*oikiai*) and which constitutes the basic building block of the polis. From Aristotle's evidence Bourriot infers that the homogalaktes were united not by kinship but by geography, but his theory, I believe, misconstrues the point of the *Politics*. In Aristotle's conception, the polis itself is an extended kinship group, and geographical ties, if nothing else, reflect ties of blood relationship: the smaller the geographical unit, the closer the bond of kinship, and *vice versa*. If Aristotle's evidence is reliable, we can only conclude that ὁμογάλακτες was an archaic term denoting members of a group bound together at least in theory by blood. Given the general paucity of evidence pertaining to the homogalaktes, however, our best resource is to define as carefully as possible the meaning of the term γεννῆται, which, as Philochoros indicates, at some point supplanted ὁμογάλακτες in common usage.

γεννῆται] Of all the terms in the law, this is by far the most difficult to define. The corporate word for a group of gennetai was γένος, whose vast spectrum of attested meanings have been surveyed and analysed exhaustively by Bourriot (1976) and which I summarise briefly here. By the middle of the fourth century, γένος had acquired a plethora of senses, the most important of which were: (1) the strict legal sense of a group of cognatic and agnatic relatives who shared a common great-grandparent and who since archaic times were bound by a number of mutual legal obligations (cf. Bourriot 1976, 222-30); (2) the sense of a noble family which derived its identity from a common ancestor, such as the Alkmaionidai or the Philaidai; (3) the sense of a priestly organisation appointed to preside over public cults and festivals, such as the Kerykes (Parker 1996, 300-2) or the Eumolpidai (cf. Clinton 1972); (4) the sense of a cultic group which congregated for the purposes of private religious ceremony and which may or may not have professed belief in a common ancestor (cf. e.g. the Salaminioi: *IG* ii<sup>2</sup> 1232; Ferguson 1938); and (5) the more general sense of a distinguished family, whether that distinction derived either from high birth (as in the case of royal families: cf. Bourriot 1976: 347-9) or from some notable deed, as in the case of the Gephyraioi (Hdt. 5.57-61; Thuc. 1.12.3).

Various theories have been advanced over the last two centuries as to how the term *genos* acquired its many senses and what its original and most pristine meaning



might have been. Perhaps the most important work of the nineteenth century was that of Fustel de Coulanges (1864), who argued that the *genos* was a primitive kinship group composed of οἶκοι (households) and that the πόλις was a conglomerate of γένη. Toepffer (1889) and Glotz (1904) accepted the idea that the γένη were extended familial groups but, unlike Fustel, developed the doctrine that they constituted the old Attic aristocracy, which, with the democratic reforms of the late sixth and fifth centuries, lost their political influence and retained merely religious functions. That the γέννηται represented the archaic nobility of Attica won broad acceptance in the twentieth century (cf. Francotte 1907, 11; de Sanctis 1912, 55-66; Hignett 1952, 61-7; Forrest 1966, 50-55; Gianelli 1967, 96; Hammond 1967, 68-9, 167; Andrewes 1967, 77, 80-1) and has underpinned the idea that the term as used by Philochoros means "nobles". Thus until Andrewes (1961) it was generally assumed the beneficiaries of the law, taken to be the ὀργεῶνες, were the non-noble classes of Attica who were granted access to the phratries along side the nobility. Andrewes for his part, while reading the text slightly differently so that gennetai and orgeones stand as equal beneficiaries, nonetheless accepted the view that the gennetai were the nobility and that the law was passed at a time when the non-aristocratic rich (whom he took to be the orgeones) began to gain political and religious recognition (on the question of the date of the law, cf. below, p. 205).

A radical challenge to the conventional definition of the *genos* has been undertaken by Bourriot, who argues that until the end of the Peloponnesian War the most common word used to denote an aristocratic/priestly family was οἶκος; γένος, in contrast, was originally applied to groups tied together by geographical location. By the middle of the fourth century the most powerful οἶκοι in Athens had, on his theory, adopted all the religious features of a *genos* and began to co-opt the title, thus causing the term *genos* to acquire in addition the sense of "noble family". On Bourriot's reconstruction, this sense was a later accretion, and we should not suppose, as has commonly been supposed, that the "law of Philochoros" conferred privileges on noble and/or non-noble familial groups. On the contrary, the law (assuming again φράτορες to be the implied subject) obliged phratries to receive members of particular cultic groups tied together by no bond of kinship but in the case of the homogalaktes/gennetai by bonds of locality. In short, Bourriot inverts the historical model posited by Toepffer and Glotz by suggesting that cult, rather than being a vestige of former



political status, was indeed the most pristine feature of the *genos* and that the term *genos* only came to denote families of high standing once these families began to co-opt the cultic features of the older, more genuine γένη.

Bourriot's theory, though ingenious, is vulnerable to a number of objections. First, as we have seen (cf. above under ὁμογάλακτες), the notion that gennetai, who went under the older designation of ὁμογάλακτες, were united by geography rather than by kinship depends upon an untenable reading of Aristotle's *Politics*, which, if nothing else, regards bonds of location as intimately associated with kinship bonds. Second, etymology implies that kinship (whether genuine or fictitious) was from an early stage a defining characteristic of the γένος, and of those γένη whose names are attested in the sources some ninety percent bear the patronymic suffix -ιδαι or -αδαι, signifying at very least that a concept of kinship, even if remote or notional, was essential to gennetic self-identity. Third, Bourriot's assertion that extended families did not until the middle of the fourth century acquire the nomenclature of γένος cannot cope with the very clear evidence of Pindar and Herodotos that by the fifth century at latest γένος was used in reference to the Alkmaionidai (cf. Pind. *Pyth.* 7.5-7; cf. Dickie 1979) and to the Gephyraioi (Hdt. 5.67-71; *pace* Bourriot 1976, 343-4). Even if by the late classical period groups had emerged throughout Attica calling themselves γένη and incorporating members whose mutual relationship may have been spurious or non-existent, what mattered surely was belief, and that worship of a founding ancestor is attested in a great many cases makes his denial that kinship at least in principle stood as a defining feature of the *genos* wholly unconvincing. On the other hand, Bourriot is undoubtedly right to challenge the old-fashioned doctrine that the γένη were commensurate with the aristocracy, and, while γένος certainly *could* denote a noble family, as in the case of the Alkmaionidai or Philaidai, nobility need by no means have been a *sine qua non*.

In short, we may state as a matter of general principle that a *genos* was a group in which membership was normally hereditary (cf. the testimony of the orators cited below) and whose members, in most cases at least, believed in a common ancestor. The late classical and Hellenistic testimony shows that many, if not most, of the γένη celebrated their identity through religion, and in some cases, such as the Kerykes or the Eumolpidai, they also exercised control over state cults. The evidence permits no conjecture as to what percentage of the Athenian citizenry was enrolled in such



groups, but the orators give the distinct impression that membership was an important element of an Athenian's identity and, furthermore, constituted proof of legitimacy as a citizen. The term  $\gamma\epsilon\nu\nu\eta\tau\alpha\iota$  as used by Philochoros denotes, I suggest, members of cultic groups defined (at least in theory) by common ancestry and in which membership normally passed from father to son but, importantly, presupposes no aristocratic status. My suggestion can only be tentative but wins support in the evidence of the orators (cf. below), which, taken together, shows that the *gennetai* in question, who seem to have been bound by "Philochoros' law", were members of organised cultic associations with official registers, regulations, and administration.

With these preliminary definitions in mind, we may now examine the law in its entirety. As suggested above, it obliged *orgeones* and *homogalaktes/gennetai* to accept into their numbers members of *phratries*. Two possible interpretations now arise. Either (1) membership in a *phratry* *guaranteed* membership in societies of *orgeones* and *homogalaktes/gennetai*, or (2) membership in a *phratry* was a *prerequisite*. That the second is the only realistic reading is clear from testimony of the orators, most particularly of [Dem] 59.59-61 and Andok. 1.125-7, which show that it was illegal in the fourth century for anybody to claim membership in a community of *orgeones* or *gennetai* without first being a member of a *phratry*. I turn now to test my thesis upon the fourth-century sources.

[Isai. 7.15-7] Thrasylllos, the speaker, maintains that he was adopted by his deceased maternal uncle, Apollodoros, to whose estate he currently lays claim, and as proof of his adoption calls upon Apollodoros'  $\phi\rho\acute{\alpha}\tau\omicron\rho\epsilon\varsigma$  and  $\gamma\epsilon\nu\nu\eta\tau\alpha\iota$  to testify that he was introduced by his step-father into their numbers. His precise words are  $\kappa\alpha\iota\ \epsilon\pi\epsilon\iota\delta\eta\ \epsilon\alpha\rho\gamma\acute{\eta}\lambda\iota\alpha\ \eta\nu\ \eta\gamma\alpha\gamma\acute{\epsilon}\ \mu\epsilon\ \epsilon\pi\iota\ \tau\omicron\upsilon\varsigma\ \beta\omega\mu\omicron\upsilon\varsigma\ \epsilon\iota\varsigma\ \tau\omicron\upsilon\varsigma\ \gamma\epsilon\nu\nu\eta\tau\alpha\varsigma\ \tau\epsilon\ \kappa\alpha\iota\ \phi\rho\acute{\alpha}\tau\omicron\rho\alpha\varsigma$  (15). Coupled with the allusion to a  $\kappa\omicron\iota\nu\omicron\nu\ \gamma\rho\alpha\mu\mu\alpha\tau\epsilon\iota\omicron\nu$ , this clause prompted Andrewes to conclude that Thrasylllos entry into each group was achieved by a single administrative act, whereby acceptance by the  $\gamma\epsilon\nu\nu\eta\tau\alpha\iota$  granted Thrasylllos automatic acceptance by the  $\phi\rho\acute{\alpha}\tau\omicron\rho\epsilon\varsigma$  under the terms of the "law of Philochoros". Andrewes backed his case with the observation that in the next sentence the  $\gamma\epsilon\nu\nu\eta\tau\alpha\iota$  and  $\phi\rho\acute{\alpha}\tau\omicron\rho\epsilon\varsigma$  are said to have observed the same law regarding real and adopted children. Thus, he assumed, the law in question was a law of the  $\gamma\epsilon\nu\nu\eta\tau\alpha\iota$ , which, by logical implication, the *phratry* was bound to observe. The force, however, of  $\epsilon\sigma\tau\iota\ \delta'\ \alpha\upsilon\tau\omicron\iota\varsigma$

αὐτός ὁ νόμος εἴαν τε τινα φύσει γεγονότα εἰσάγη τις εἴαν τε ποιητόν is not, as Andrewes held, that the law was common to the φράτορες and γεννήται but rather that the same law applied whether the candidate was a child by blood or by adoption. In other words, while it is undoubtedly the case that both groups followed the same law, the real point of rhetorical emphasis is that Thrasylos' status as an adopted rather than a genuine son is quite immaterial to the case at hand. More importantly, the assumption that the decision of Apollodoros' γεννήται to accept Thrasylos into their numbers predetermined the vote of the φράτορες is belied by the statement a few lines later (cf. ch. 17) that the φράτορες and γεννήται voted together (ψηφισαμένοι πάντες) on the question of whether Thrasylos was Apollodoros' blood nephew. If nothing else, the text implies that the vote of the φράτορες was as important in deciding the matter at hand as that of the γεννήται. At most, enrolment in the phratry and genos of one's adopted parent was a common practice at Athens and offered a means of proving adoption in case one's status as a citizen was ever challenged. Taken alone, this passage does not confirm *my* reading of the law, but it does, if analysed correctly, present some powerful objections to the thesis of Andrewes.

[Dem.] 59.59-61] Neaira, a non-Athenian, illegally married an Athenian citizen by the name of Stephanos, and, when they produced children, Stephanos tried to prove their legitimacy by passing them off as the issue of a previous wife. As it happened, this wife was the daughter of Neaira and, therefore, illegitimate also. As proof that the children of Stephanos were illegitimate, the speaker cites the case of Phrastor, who had married the daughter of Neaira in ignorance of her legal status and divorced her when he discovered the truth. One son had resulted from this marriage, whom Phrastor introduced to his phratry and genos by covering up the facts of his mother's identity. The genos in question, however, knowing the full truth of Phrastor's marriage refused his son admission and are called by the speaker to bear witness to the rejected application. Against Guarducci (1937, 15), who observed that the allusion to enrolment within the phratry precedes the allusion to the genos and must indicate that Phrastor was initially enrolled in the phratry, Andrewes denied that the son of Phrastor had ever been a phrater. On his analysis, Phrastor initially presented the child to the phratry, and, after rejection, presented him to the genos in the hope that admittance would swing the issue; the only reason why nothing more is said of the



phratry is, he supposed, that rejection by the *genos*, according to the "law of Philochoros", decided the matter once and for all. The argument is unconvincing. First, it is not clear, as Andrewes assumed, that the phratry rejected the child, and the very fact that the speaker does *not* call upon the phratry to bear witness against it indicates, on the contrary, that Phrastor's son had, indeed, been admitted. Second, the passage does not imply, as Andrewes believed, that Phrastor took his son before his *genos* to annul the phratry's verdict. Indeed, if admittance into the *genos* predetermined membership in the phratry, it seems thoroughly unlikely that Phrastor would have applied to the phratry initially. The most obvious interpretation, and the one which confirms my reading of the law, is that Phrastor first presented his son to his phratry, procured admission illegally, and later sought to enrol his son among his *gennetai*. In other words, he could only bring his son before his fellow-*gennetai* *once it could be shown that the child was a member of a phratry*, but, as the passage shows, phratry membership was not a sufficient condition for admittance into a *genos*.

Andok. 1.125-7] Chrysilla (who in fact was the mother of Kallias' legitimate wife) gave birth to a son by Kallias, the accuser of Andokides. When her relatives brought the child to the festival of the Apatouria (at which new phraters were admitted) to introduce it to Kallias' phratry, Kallias, who had recently fallen out with Chrysilla, denied on oath before the phratry that he was the father, and the child in consequence was refused admittance. Later, when the boy was grown, Kallias fell in love with the mother again and introduced his son to the *genos* of the Kerykes, swearing that he was his legitimate offspring by Chrysilla. As proof of these claims, Andokides calls upon the witness of Kallias' phraters. Andrewes for his part, assumed that the introduction of the boy to the *genos* of his father gained him automatic access to his father's phratry and used this as an explanation for why no mention is made of a subsequent presentation at the Apatouria. *Pace* Andrewes, the point of the passage is surely to show that, because the son of Kallias was *not* a phrater, his admittance to the *genos* of the Kerykes was *ipso facto* illegal. The testimony of the phraters is, I suggest, invoked in order to illustrate that Kallias caused the Kerykes to break the law by admitting a man into their numbers who was not himself a member of a phratry. This, indeed, is vital to Andokides' rhetoric, for it smears his accuser Kallias as having defiled the honour of Demeter and Persephone, an appropriate theme in the context of his self-defense against the charge of the violating the Mysteries.



Dem. 57]. Euxitheos the speaker tries to vindicate his claim to citizenship by showing that both his parents were Athenian citizens. To prove that his father, Thoukritos, was legitimate he calls upon the testimony of his kinsmen (συγγενεῖς), demesmen (δῆμοται), φράτορες and γεννήται (ch. 24). In spite of this passage, Andrewes was sceptical that Thoukritos could have been a γεννητής. His main reason for doubting this lay in the testimony of ch. 54, which attests that Euxitheos as a child was brought by his father to the Apatouria. On Andrewes' reasoning, this would not have been necessary had Euxitheos already been enrolled in the genos of his father, since, on his interpretation of the "law of Philochoros", membership in a genos guaranteed unrestricted access to the phratries. Yet this assumes just what needs to be proved, and there are other strong indications in the speech that Thoukritos belonged to a genos (cf. chs 23, 24, 67). Andrewes tried to circumvent the fact that γεννήται are mentioned twice in connection with Thoukritos by adopting an older suggestion of Wilamowitz (1893: ii. 272), namely that, while Thoukritos himself need not have been a member of a genos, the gennetai nonetheless controlled access to the phratry and were required to give testimony on the phratry's behalf. That explanation, of course, assumes that gennetai had some intimate connection with the phratry and constituted a privileged subgroup. As indicated earlier (cf. p. 115), an assumption of this kind wins no support in the ancient sources and is positively contradicted by some of the other oratorical texts which we have been considering. On any unprejudiced reading, Dem. 57 indicates conclusively that Thoukritos belonged to a genos, and it is noteworthy that the testimony of the phraters in ch. 23 is invoked prior to that of the gennetai, suggesting that the phraters were the first of the two to test citizenship.

Aischin. 2.147] Aischines boasts that his father belonged to a phratry that shared altars with the genos of the Eteoboutadai. As Ferguson (1910, 257-84) and Guarducci (1937, 24-5) observed, this indicates that the two associations overlapped in their religious and administrative spheres but not that one was a subgroup of the other. The allusion, *pace* Andrewes, sheds little light on the question at hand.

Isai. 2.14-7] The speaker defends his claim to the estate of Menekles by showing that the deceased had adopted him when in full possession of his senses. As proof, he calls upon his demesmen, phraters and orgeones to witness that Menekles had been in



a sound frame of mind at the time of the adoption. Much has been made of the difference in language used by the speaker to describe his introduction to the phratry and enrolment among the orgeones. Whereas Menekles is said to present (εἰσάγει) the adoptee to his phratry, he is said to enrol (ἐγγράφει) him among his demesmen and orgeones (ch. 16). From this Andrewes inferred that, whereas the speaker was carefully vetted by the orgeones, he never had to undergo scrutiny by Menekles' phratry but was granted automatic acceptance – hence the choice of εἰσάγει. None of Andrewes' claims, however, wins support in the text. While the variation in choice of verbs reflects no more than a rhetorical desire to avoid repetition and monotony, it is quite clear from the order in which events are related that the presentation of the child to the phratry *preceded*, not followed enrolment among the orgeones. Unless the speaker has deliberately muddled up the chronology – and there is no obvious reason why he should have done so here – we can only conclude that Menekles, after adopting the child, introduced him first to his phratry and then to his orgeones. The chronology implied in chapter 16 lends support to my reading of the “law of Philochoros”, for the child seems to have been accepted by the phratry before being considered by another cultic group.

*IG ii<sup>2</sup> 1237* = Lambert T 3 = Appendix I] The text consists of three decrees pertaining to the internal administration of a phratry, whose identity is sharply disputed. Two cultic groups, the Demotionidai and the House of the Dekeleieis, are mentioned, and scholarly controversy has centred upon their identity and mutual relationship. Wilamowitz (1893<sup>2</sup>, 257-84) held that Demotionidai was the name for the whole phratry and House of the Dekeleieis a subgroup. In support of his contention, he adduced the evidence of lines<sup>12-16</sup>, stipulating that anyone who had not undergone adjudication in accordance with the “law of the Demotionidai” should be scrutinised by the phraters immediately and that the names of rejected candidates be erased by the phratriarch from a register of members kept by the Demotionidai. The “law of the Demotionidai”, he supposed, was the law of the phratry, and the register in the keeping of the Demotionidai contained the names of every member of the phratry; hence, the Demotionidai and the phratry must have been identical. Wade-Gery (1958, ), in contrast, held that the House of the Dekeleieis was the name of the whole phratry and Demotionidai a subgroup. He based his argument upon lines 26-32, which stipulate that any rejected applicant to the phratry may in future appeal to the



Demotionidai. Since appeal (ἐφεσις<sup>2i</sup>) is made *from* the decision of the phraters *to* that of the Demotionidai, the phraters in question cannot, he argued, have been identical with the Demotionidai. Andrewes, developing the arguments of Wade-Gery, argued that membership among the Demotionidai, whom he took to be a *genos*, granted unrestricted access to the House of the Dekeleieis, the phratry, of which the former constituted a smaller component. Since rejected candidates from the Dekeleieis could appeal to the Demotionidai, the former (he supposed) had to accept the decision by the latter in case they voted to accept a candidate. Thus, he inferred that the Demotionidai were a *genos*, who, according to his interpretation of the “law of Philochoros”, enjoyed unrestricted right of access to the House of the Dekeleieis.

While Andrewes’ interpretation of the “law of Philochoros” has become established orthodoxy, scholars still disagree as to whether this complex collection of decrees supports his general case. In recent years, two important attempts to re-assert, with necessary adjustments, the theory of Wilamowitz have been canvassed. The first is that of Hedrick (1990), who argues that the references to the Dekeleieis in the decrees of Hierokles and Menexenos (lines 13-59, 115-25) signify not the members of the phratry but the demesmen of Dekeleia and that the οἶκος<sup>3</sup> merely represents the building in which they congregated for official deme business. On his interpretation, Demotionidai was the name of the phratry, and, because many of their members will (supposedly) have belonged to the deme of Dekeleia, representatives of the deme were invited to advocate the claims of rejected candidates before the Demotionidai. His case rests upon two contentions. First, the allusion to φράτερας in the decree of Hierokles (lines 43-4) should be understood as referring to members not of the entire phratry but of a small portion of the phratry, *i.e.* a *thiasos*. The decree of Nikodemos mentions subgroups called θιάσοι that vetted candidates in advance of presentation to the phratry as a whole, and Hedrick argues by analogy that those rejected candidates who appealed to the Demotionidai had not been rejected by the Dekeleieis but rather by the specific *thiasos* to which they belonged. Second, the very fact that the Dekeleieis are asked to appoint advocates (συνήγοροι<sup>4</sup>) for the rejected candidates does not, on Hedrick’s view, suggest that the Dekeleieis are the ones from whose decision the appeal is being made. On the contrary, if the advocates are appointed to contest a decision, we might well expect that the Dekeleieis were called upon to help overturn a preliminary verdict. Thus, Hedrick concludes, we can



theory in some form by assuming that the phraters mentioned were members of a θίασος and that the Demotionidai, to whom rejected candidates appealed, were the phratry at large.

Hedrick's analysis, though ingenious, is nonetheless unconvincing. In answer to the second point, it is far from clear that the συνήγοροι appointed from the House of the Dekeleieis were intended to contest the preliminary verdict. As Rhodes (1997, 112 n. 7) observes, the συνήγοροι in question may well have been selected for the purpose not of defending the claims of rejected candidates but, on the contrary, of justifying the decision of the body which rejected them, and Hedrick's attempt to differentiate the House of the Dekeleieis from the phraters mentioned at line rests on a hazardous and unprovable assumption that the advocates in the second hearing acted on the candidates' behalf. In answer to the first, Hedrick is left to explain why Hierokles, if by φράτερας he had merely meant members of a phratric subdivision, should not simply have employed the term θίασος, as does Nikodemos in the second decree, or conversely why Nikodemos, if φράτερες was the normal term used to refer to a subgroup, should have resorted to the term θίασος in reference to the part and not *Dhmotionidai* when referring to the phratry as a whole. Hedrick's theory, I believe, depends upon too many variables, and the notion that the House of the Dekeleieis was an official building in which the demesmen of Dekeleia congregated not only wins no support in the available evidence but underplays the fact that the term οἶκος is attested elsewhere in the Greek world in specific connection with a phratry.

The second important study is that of Lambert (1993, 95-141), who returns to the more traditional position of Wilamowitz that the House of the Dekeleieis was a subgroup within the phratry of the Demotionidai. Unlike Wilamowitz, however, he understands the *phrateras* of line 15 as identical not with the Demotionidai but rather with the Dekeleieis. While dispensing with the view that the Dekeleieis mentioned in the decrees were the demesmen of Dekeleia, Lambert adopts Hedrick's suggestion that the *phrateras* of line 15 comprise only a faction of the entire phratry and, like Hedrick, uses it to circumvent the awkward fact that the Demotionidai are named in the regular scrutiny as the body to which an appeal from the decision of the "phraters" can be made. Thus, he argues, if we can take the reference to the *phrateras* as a reference to a subgroup (viz. the House of the Dekeleieis), there is no problem in supposing that the Demotionidai, to whom rejected candidates appealed, were



identical with the phratry. Lambert's solution is also deft but, like Hedrick's, rests upon the tendentious claim that the term φράτερας employed in Hierokles' decree refers to members of a thiasos, a notion which wins little support in the text of the inscription. More fundamentally, the reasons for supposing in the first place that the Demotionidai and not the House of the Dekeleieis were the phratry are tenuous. The strongest indication in the decree of Hierokles that the Demotionidai might have been the phratry is the reference to the register in their keeping, but, if the provisions for the extraordinary scrutiny are read carefully, it is not clear that the register in question contained more than the names of their own members and current applicants. The implication, at most, is that present applicants to the Demotionidai, who have not yet been adjudicated (*viz.* by the Demotionidai), are to submit to immediate scrutiny by the phratry (*viz.* the House of the Dekeleieis), and, if rejected, their names are to be deleted from the list in the Demotionidai's keeping. Lambert underestimates, in turn, the significance of the allusion to the Dekeleieis in the decrees of Hierokles and Menexenos (lines 97-138), which, unless we adopt the hypothesis that "the Dekeleieis" were identical with the demesmen of Dekeleia, must surely indicate that the House of the Dekeleieis was the phratry which passed the decrees and for whose inspection the decrees were to be inscribed (cf. Rhodes 1997: 115).

Let us, then, proceed from the principle established by Wade-Gery that the House of the Dekeleieis was the name of the phratry. Should we, in consequence, feel committed to Andrewes' theory that the Demotionidai constituted a smaller group, or a *genos*, membership in which granted automatic access to the House of the Dekeleieis? The preserved text does not use the term γένος in connection with the Demotionidai, and, though the suffix *-idai* has tempted some to assume that the group in question was a *genos*, the patronymic form is also attested in connection with names of phratries. Etymology, therefore, does not show conclusively that the Demotionidai were a *genos*. Still, though there is no positive evidence to prove the claim, the possibility that the Demotionidai *were* a *genos* cannot be ignored and might, if valid, support my reading of Philochoros F 35. Even if he was right to equate the Demotionidai with a *genos*, the fundamental flaw in Andrewes' reasoning was the assumption that enrolment among the Demotionidai was temporally and causally prior to enrolment among the Dekeleieis. Closer examination of the decree of Hierokles, however, suggests on the contrary that the decision of the phratry to accept or reject a candidate *preceded* the vote of the Demotionidai, who, in cases of



rejection, acted as a board of appeal. The natural implication is not that membership among the Demotionidai guaranteed membership among the Dekeleieis (otherwise no reason presents itself as to why applicants should first have applied to the phratry, much less why the phraters should have voted at the Apatouria if their verdict was predetermined) but rather that *membership in the House of the Dekeleieis was a necessary prerequisite for membership in the Demotionidai*. This, indeed, is implied in the provisions for both the extraordinary and the regular scrutinies. In the provisions for the extraordinary scrutiny, it is clear (lines 15-26) that the decision of the phratry as to whether or not a candidate to the Demotionidai was a phrater determined, in compliance with the "law of Philochoros", the failure of his application to the Demotionidai if it was decided that he was not a phrater. In the provisions for the regular scrutiny, it can be inferred (lines 26-55) that all members of the Demotionidai had to belong to the House of the Dekeleieis and applicants rejected by the phraters were debarred from becoming members of the Demotionidai unless the decision of the phratry was overturned; hence provisions for appeal were made.

I propose, then, a new explanation of the inscription based upon my reading of Philochoros F 35. In short, the phratry was the House of the Dekeleieis, which, shortly prior to the passage of the three decrees, had entered into a contract with the Demotionidai, a *genos*, to, ensure that anyone who claimed membership among the Demotionidai would first be a member of the Dekeleieis and, in so doing, to grant the *genos* authority to overturn rejections by the phratry in cases of appeal. Athenian law (*viz.* the "law of Philochoros") demanded that all *gennetai* be phraters, and, to accommodate this requirement, various γένη will have made arrangements with phratries to ensure that no-one claim membership in the *genos* (and thus cause embarrassment for the *genos* as a whole) without first belonging to the phratry. In this particular case, it was in the interest of the Demotionidai to have their applicants enrolled in the House of the Dekeleieis before accepting them into their own numbers. Clearly, this meant that the vote of the phratry carried great weight, and, to modify the strictures of Athenian law, arrangements were made for the decision of the phratry to be overturned (with obvious consequences for the phratry) if appeal to the *genos* was successful. The decree of Hierokles exemplifies, I suggest, an attempt on the part of two cultic organisations, a phratry and a *genos*, to comply with Athenian law and at the same time to reduce the potential of the phratry to deny candidates with legitimate claims to citizenship entry to the *genos* by an unfair vote of rejection.



The literary and epigraphical sources, if interpreted correctly, support my analysis of Philochoros F 35 and militate against the current orthodoxy established by Andrewes. Remaining is the question of the date of the law. Harpokration and the *Lex. Patm.* each cite from Philochoros' fourth book, which narrated Athenian history spanning from c. 460 to 403 (cf. Ch. 1 section 4). Jacoby (*Text* 321), followed by Hammond (1961, 79), believed on the grounds of the archaic usage ὁμογάλακτας that the law was part of Solon's code of 594/3 and that Philochoros had had occasion to allude to it in a digression. Patterson (1981, 1-5) and Lambert (1993: 43-57), on the other hand, have argued that the statute dates from 451/0 and was part of Perikles' citizenship law requiring that Athenian citizenship be limited to those whose parents were both citizens. Lambert's argument, in particular, depends upon the premise that the law was passed at a time when new restrictions were being imposed upon citizenship and when all institutions, such as phratries, through which citizenship was expressed, were being subjected to new regulations. One possibility, however, which has received little consideration but which reconciles the fact that the law, as quoted by Philochoros, employs archaic terminology with its appearance in Book IV of the *Atthis* is that it was an older law republished in the last decade of the fifth century by Nikomachos and his colleagues. Though nothing definite can be asserted, it is reasonable to postulate that the law was republished as part of the legal compilation of the late fifth century and that it resulted in phratries and γένη throughout Attica, like the Demotionidai and the House of the Dekeleieis, arranging a system of shared membership so that no applicant to a genos could attain admission without first belonging to a phratry. This explanation might win support in the fact that the decree of Hierokles was proposed in the archonship of Phormion (viz. 396/5), in the immediate aftermath of the activities of Nikomachos, when private arrangements were made to ensure that all new applicants to the Demotionidai apply to the Dekeleieis and attain membership before further scrutiny by the genos.

The implications of my argument are considerable. If correct, they require re-assessment not only of Philochoros' law but, more importantly, of the relationship between the phratry and the genos. The conventional supposition, based as it is upon 'Aθπ. frg. 3, that the genos was a subgroup of the phratry has led scholars without exception to read φράτορας as the implied subject of δέχεσθαι in Philochoros F 35a.



If, on the other hand, as argued here, φράτριάς is to be taken as the direct object, we can no longer hold that γέννηται and ὀργεῶνες constituted subgroups of phratries. Instead, we must envisage them as independent organisations whose only connection with phratries was that all their members by law must simultaneously have been phraters. In some cases, like that of the Demotionidai, all members of a genos will have belonged to a single phratry, but of course it would be misleading to characterise the genos in consequence as a “subgroup”. In other cases (we have no attested examples), it is conceivable that members of the same genos belonged to different phratries, with the result that many different cultic associations throughout Attica interlocked in respect of their membership. If we entertain the hypothesis the Demotionidai and Dekeleieis represented the norm, we can gain some understanding as to why the political theorists of the fourth century should have conceived of γένη as “subsets” of phratries. For presumably some phratries contained members belonging to a number of different γένη and, while the phratry need not have constituted a higher rung in the demographic hierarchy, it was natural for theorists, like the author of Ἀθ.π., to envisage phratries as composites of γένη.

## ENDNOTES

### Notes to Chapter I.

<sup>1</sup> *FGrHist* IIIB no.328. This catalogue number should be assumed when no listing is otherwise specified. I use the term "local historian" to refer to any author whose work had a preponderant focus upon the history and antiquities of a single city. The phrase should not, of course, be taken to imply that all authors who fell into this category followed a single designated literary rubric or even that their works were strictly limited to local history. On the great diversity in aims and techniques visible among the local historians of Athens, cf. Chapter II.

<sup>2</sup> FF 76-79, three fragments of which are cited in connection with a book number. Those testimonia and fragments which may or may not pertain to the treatise *On Divination* are TT 6-7 and FF 135, 179, 192, 195, 214, 225. There is a reference to this treatise in the biography of Philochoros.

<sup>3</sup> FF 80-82. Philochoros' biographer (T 1) states that the treatise *On Sacrifices* comprised only one book. A full citation of the biography can be found at n. 41 below.

<sup>4</sup> Cf. n.42.

<sup>5</sup> Cf. n.42.

<sup>6</sup> Cf. n.42. Though no fragment is explicitly cited from it, Jacoby tentatively assigned FF 96, 98, 108 and 207 to this work.

<sup>7</sup> Cf. n.42. Though no fragment is explicitly cited, there is a possibility, albeit very uncertain, that F 171 comes from this work (Jacoby, *Text* 546).

<sup>8</sup> Cf. n.42.

<sup>9</sup> Cf. n.42.

<sup>10</sup> There is no mention of the treatise *On Days* in the biography of Philochoros. Though it is unclear how many books it comprised, one would suppose from the citation supplied by the scholiast on Plato (F 85) that there was more than one book.

<sup>11</sup> F 190

<sup>12</sup> Cf. n.42; FF 73-5

<sup>13</sup> Cf. n.42.

<sup>14</sup> Cf. n.42.

<sup>15</sup> Cf. n.42.

<sup>16</sup> Cf. n.42.

<sup>17</sup> Cf. T 7. There is no mention of the treatise entitled *History of Dreams* in the biography of Philochoros. The title ἱστορία ὀνείρων is a Greek translation of Tertullian's allusion (*de An.* 46) to an *Historia Somniorum* by Hermippos of Beirut. Though Philochoros seems to have compiled a comparable work, we have no record of a title. Fulgentius (*Myth.* 1.14 = F 179) cites a fragment of Philochoros, but there can be no certainty that it comes from a treatise of this title.

<sup>18</sup> F 191

<sup>19</sup> F 72, and cf. n. 41.

<sup>20</sup> Cf. n.42.

<sup>21</sup> Cf. n.42.

<sup>22</sup> Cf. n.42. Though no fragment is explicitly cited from it, Jacoby assigned FF 217-222 to this work.

<sup>23</sup> Cf. n.42. Though no fragment is explicitly cited from it, Jacoby tentatively attributed FF 186, 215, 216 to this work.

<sup>24</sup> Cf. n.42.

<sup>25</sup> Cf. n.42. Though no fragment is explicitly cited from this work, it is not improbable that many of the fragments attributed to the *Atthis* come down indirectly via the *Epitome*. On the very complicated question of the transmission of the fragments from Philochoros' *Atthis*, cf. section 1.2 ("Transmission").

<sup>26</sup> FF 168-230. Of these, some twenty-six were tentatively ascribed by Jacoby to the *Atthis*; cf. FF 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 181, 184, 187, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 223, 224



<sup>27</sup> Some of the following fragments are not cited explicitly from the *Atthis*, though, in those cases where they are not, the *Atthis* appears to be the most likely provenance. Schol. BT Hom. *Il.* 1.594 (F 101); schol. Pindar. *Ol.* 9.70bc (F 95); schol. Pind. *Pyth.* 7.9b (F 115); schol. Pind. *Nem.* 3.4 (F 166); schol. Plat. 374a (F 1); schol. Ar. *Vesp.* 544 (F 9); schol. RV Ar. Av 556 (F 34a); schol. V Ar. Av. 556 (F 34b); schol. RV Ar. *Ran.* 218 (F 57); schol. Ar. *Lys.* 835 (F 61); schol. Ar. *Lys.* 1138 (F 117); schol. V Ar. *Vesp.* 210 (F 129); schol. V Ar. *Vesp.* 718 (F 130); schol. RV Ar. *Pax* 665 (F 128); schol. V Ar. *Vesp.* 210 (F 129); schol. RV Ar. *Pax* 466 (F 131); schol. RV Ar. *Pax* 475/7 (F 132); schol. V Ar. *Lys.* 1094 (F 133); schol. V Ar. Av. 766 (F 134); schol. Ar. *Plut.* 1146 (F 143); schol. RV Ar. *Ekk.* 193 (F 148); schol. V Ar. Av. 1106 (F 200); schol. RV Ar. *Ach.* 220 (F 202); schol. V Ar. *Pax* 145 (F 203); schol. V Ar. *Pax* 242 (F 204); schol. Sophokles *OK* 100 (F 12); schol. Soph. *OK* 1047 (F 175); schol. Euripides *Or.* 772 (F 139b); schol. Demosthenes 19.303 (F 105); schol. Lukian *Katapl.* 25 p.52 12 R (F 100); schol. Luk. *Tim.* 30 p.116.4 R (F 128b); schol. Aristides P.54.18 Dindorff (F 104b).

<sup>28</sup> Some of the following fragments are not cited explicitly from the *Atthis*, though, those cases where they are not, the *Atthis* appears to be the most likely provenance. Those fragments cited by Harpokration come from the following entries: s.v. κοβαλεία (F 6); s.v. κανήφοροι (F 8); s.v. ἐπιβοῖον (F 10); s.v. βοηδρόμια (F 13); s.v. Σκίρων (F 14); s.v. ὄσκοφόροι (F 16); s.v. Τρικέφαλος (F 22); s.v. Ἀλώπεκη (F 33); s.v. γεννήται (F 35b); s.v. προπυλαία ταῦτα (F 36); s.v. Λύκειον (F 37); s.v. στρατεία ἐν τοῖς ἐπονυμοῖς (F 38); s.v. πρὸς τῇ πυλίδι (F 40ab); s.v. συμμορία (F 41); s.v. Στρυμή (F 43); s.v. Δάτος (F 44); s.v. χίλιοι διακόσιοι (F 45); s.v. ὅτι ἐξακισχίλια ἢν τάλαντα τὸ τίμημα τῆς Ἀττικῆς (F 46); s.v. ἱερὰ τριήρης (F 47); s.v. διαψήφισις (F 52); s.v. κατάτομή (F 58); s.v. Θεωρίς (F 60); s.v. Φυλή (F 62); s.v. ἀποστολεῖς (F 63); s.v. νομοφύλακες (F 64); s.v. ἐποπτευκότων (FF 69-70a); s.v. ἀνεπόπτευσας (328 F69-70b); s.v. ἄμιπποι (328 F 71); s.v. εὐανδρία (F 102); s.v. Ἀγνίας (F 147); s.v. ξενικὸν ἐν Κορίνθῳ (F 150); s.v. πομπείας καὶ πομπεύειν (F 181); s.v. Τριτοπάτορες (F 182); s.v. ἀδύνατοι (F 197); s.v. ἀντιγραφεύς (F 198). Those fragments cited by Stephanos of Byzantium come from the following entries: s.v. ἄστν (F 2a); s.v. Ἀρείος πάγος (F 3); s.v. Αἰθαια (F 32a); s.v. Θεία (F 32b); s.v. Ξυπέτη (F 205); s.v. Σεμαχίδαι (F 206). Those fragments cited by Hesychios come from the following entries: s.v. ἄγοραῖος Ἑρμης (F 31); s.v. ἱππης (F 39). Those fragments cited by Photios come from the following entries: s.v. ὀργεῶνες (F 5a); s.v. οἱ νομοφύλακες τίνες (F 64b β); s.v. σεισάχθεια (F 114); s.v. κρεπίς (F 201). The fragment cited by Pollux comes from 10.71 in his lexicon (328 F 187). Those fragments cited in the *Etymologicum Magnum* come from the following entries: ἄστν (F 2b); s.v. Ἀρετήσιον (F 19); s.v. Θῆσειον (F 177); s.v. Θυελλαί (F 178a). Those fragments cited in the *Lexicon Demosthenicum* are supplied by the following papyri: *P.Berol.* 5008 B 27 (F 30); *P.Berol.* 5008 A 1 (F 42). Those fragments cited in the *Lexicon Cantabrigiensis* come from the following places in the lexicon: p.354.1 Nauck (F 30); p.355.3 Nauck (F 48); p.337.15 Nauck (F 199). The fragment cited by the *Synagogicon Lexicon* comes from the following entry: p.345.15 Bekker s.v. ἀδύνατοι (F 197b).

<sup>29</sup> Plut. *Thes.* 15.2-16.6 (17a); *Thes.* 35 (18a); *Thes.* 14 (F 109); *Thes.* 26.1 (F 110); *Thes.* 17.6 (F 111); *Thes.* 29.4 (F 112); *Nik.* 23 (F 135); *Mor.* 846ab (F 163); *Mor.* 847a (F 164). Markell. *Vit. Thuc.* 32 (F 137).

<sup>30</sup> No original MS survives of Eusebios' *Chronika*. The work comes down to us in two translations, the vulgate edition composed by St. Jerome in A.D. 382 (the *Versio Hieronyma* or *Versio Vulgata*) and the Armenian edition of unknown date or authorship (the *Versio Armeniana*) translated into German J.Karst in 1911. Neither of these versions preserves fragments of Philochoros, but we can rely upon an abbreviated edition composed by a ninth-century A.D. Byzantine monk called Georgios Synkellos. The work of Julius Africanus, in turn, survives only in later quotations supplied by Eusebios himself. Those fragments cited by Eusebios in Synkellos' *Epitome* come from the following places: p.307.1 Bonn (F 7a); p. 304.4 Bonn (F 11); p.289.9 Bonn (F 104). The fragment cited by Julius Africanus, as preserved by Eusebios, comes from Jul. Afr. *ap. Eus. P.E.* 10.10.7 (F 92). For a good summary of the complex problems surrounding the transmission of Eusebios' *Chronika*, cf. Mosshammer 1979, 29-83.

<sup>31</sup> Dion. Hal. *Ad Amm.* 11 (328 FF 53-56); *Ad Amm.* 10 (F 156); *Dein.* 3 (FF 66-67); *Dein.* 13 (FF 152-154, 158); *Dein.* 9 (F 167).

<sup>32</sup> The *editio princeps* of the commentary of Didymos Chalkenteros on the speeches of Demosthenes was produced by Diels and Schubart. For a list of subsequent scholarly criticism of the papyrus MS of Didymos, cf. West 1970, 288 n.3. Those fragments cited by Didymos come from the following places in his commentary: 1.67 (F 55b); 11.37 (F 56b); 7.28 (FF 144-146); 7.11 (F 149a); 7.62 (F 151); 13.42 (F 155); 8.8 = (F 157); 1.13 (F 159); 1.18 (F 160); 1.29 (F 161); 10.34 (F 162).

<sup>33</sup> Athen. *Deip.* 495e (F 15); 637f-638a (F 23); 245c (F 65); 189c (F 68); 217de (F 126); 697a (F 165); 9cd (F 169a); 375b (F 70); 464f (F 171); 628a (F 172); 656a (F 173); 168a (F 196).

<sup>34</sup> Ael. *N.A.* 12.35 (F 116)



<sup>35</sup> Strab. 9.1.20 p.397 (F 94); 9.1.6 p.392 (F 107); 9.2.11 p.404 (F 113).

<sup>36</sup> Macr. *Sat.* 1.10.22 (F 97); 3.8.2 (F 184)

<sup>37</sup> Clem. Alex. *Protr.* 2.30.3 (F 175); 4.47.5 (F 176)

<sup>38</sup> *POxy* 1367 (F 96)

<sup>39</sup> Boccacc. *Gen. Deor.* 8.4 (F 104c); 10.9 (F 174)

<sup>40</sup> Montana 1996.

<sup>41</sup> Cf. pp. 164-5.

<sup>42</sup> Sud. s.v. Φιλόχορος (T 1). As this source is vital for the re-construction of Philochoros' life, works and career, it is necessary to quote it in full. Κύκνου Αθηναῖος, μάντις καὶ ἱεροσκόπος, γυνὴ δὲ αὐτῷ ἦν Ἀρχεστράτη. κατὰ δὲ τοὺς χρόνους γέγονεν ὁ Φιλόχορος Ἐρατοσθένους, ὡς ἐπιβαλεῖν πρεσβυτῇ νέον ὄντα Ἐρατοσθένι ἐτελεύτησε δὲ ἐνεδρευθεὶς ὑπὸ Ἀντιγόνου, ὅτι διεβλήθη προσκεκλικέναι τῇ Πτολεμαίου βασιλείᾳ. ἔγραψεν Ἀθίδος βιβλία ιζ' περιέχει δὲ τὰς Ἀθηναίων πράξεις καὶ βασιλεῖς καὶ ἄρχοντας ἕως Ἀντιόχου τοῦ τελευταίου τοῦ προσαγορευθέντος Θεοῦ. (ἔστι δὲ πρὸς Δήμωνα) Περὶ μαντικῆς δ' Περὶ θυσιῶν α' Περὶ τῆς Τετραπόλεως Σαλαμῖνος κτίσιν Ἐπιγράμματα Ἀττικά Περὶ τῶν Αθηνησιν ἀγώνων [βιβλία ιζ'] Περὶ τῶν Αθηνησιν ἀρχάντων ἀπὸ Σωκράτιδου καὶ μέχρι Ἀπολλοδώρου Ὀλυμπιάδας ἐν βιβλίοις β' Πρὸς τὴν Δήμωνα Ἀθίδαν Ἐπιτομὴν τῆς ἰδίας Ἀθίδος Ἐπιτομὴν τῆς Διονυσίου πραγματείας περὶ ἱερῶν Περὶ Ἀλκμᾶνος Περὶ μυστηρίων τῶν Αθηνησιν Συναγωγὴν ἡρωίδων ἦτοι Πυθαγορείων γυναικῶν Δηλιακά, βιβλία β' Περὶ εὐρημάτων Περὶ καθαρμῶν Περὶ συμβόλων.

<sup>43</sup> Cf. n.42.

<sup>44</sup> For a summary of the Chremonidean War and its attending documentation, cf. Habicht 1997, 142-149.

<sup>45</sup> Cf. TT 1 and 7, F 67

<sup>46</sup> Cf. Jacoby 1949, 8-51.

<sup>47</sup> Treatises that seem to reflect Philochoros' professional experience include those *On Divination*, *On Sacrifices*, *On Dreams*, *On Purifications*, and *On Symbols*. Jacoby (*Text* 225-226) believed the *Atthis* itself to have possessed a strong religious emphasis. It is certainly likely that the earlier portions of the *Atthis* incorporated much material pertaining to gods and heroes, but, as for the fifth- and fourth-century narrative, there is no good reason to think that Philochoros laid special emphasis on sacred matters, and it is striking just how few of the preserved fragments from books III-VIII bear any religious concern.

<sup>48</sup> Cf. Jacoby 1949, 78-88.

<sup>49</sup> Cf. Chapter III, *passim*.

<sup>50</sup> Cf. n.42.

<sup>51</sup> Cf. Heinen 1972, 95-213 and Dorandi 1991, 23-8, who argue convincingly that the archonship of Peithidemos, in which the decree of Chremonides declaring war on Macedon was carried, fell in 268/7 and that the archonship of Antipatros, in which Athens capitulated to Antigonos, fell in 263/2. Habicht, who used to believe in 262/1, now also accepts 263/2: cf. Habicht 1997, 142 n.78. For the older view that the archonship of Antipatros belongs to 262/1, cf. Ferguson 1932, 75-80.

<sup>52</sup> Eus. *ap. Hier. Chron.* 1.249 Schoene. Cf. also Heinen 1984, 418; Green 1990, 148.

<sup>53</sup> *IG ii*<sup>2</sup>1720 line 7. The *editio princeps* was produced by Wilamowitz (1885), who was also the first to identify Kyknos with the father of Philochoros.

<sup>54</sup> A late fourth-century inscription from Peiraeus (*IG ii*<sup>2</sup>3835) attests to a certain Κύκνος Φιλοχόρου Ἀναφλυστῖος, whom Jacoby took to be the brother of the historian (*Text* 255). Jacoby's identification rests on the assumption both that the Kyknos of the second inscription is identical with the Kyknos of the prytanic list and, more importantly, that this Kyknos was Philochoros' father.

<sup>55</sup> This opinion of Jacoby *Text* 220 has been followed almost without deviation by subsequent scholars. Cf. von Fritz 1967, 497-8; Green 1990, 597; Meister 1990, 129; Harding 1994, 33; Habicht 1997, 162.

<sup>56</sup> FF 66-7.

<sup>57</sup> The dates of Eratosthenes are supplied by the Suda (s.v. *Eratosthenes* = *FGrHist* 241 T 1), which places his birth in the 126<sup>th</sup> Olympiad (viz. 296/3). According to the short biography cited by the Suda, he was summoned from Athens to Alexandria by Ptolemy (III) Philopator, who reigned in Egypt from 246-221. The historicity of the Eratosthenes' biography is vindicated by a fragment of Oxyrhinchos papyrus (*POxy* 10.1241 col. 2 = *FGrHist* 241 T 7), which attests that Eratosthenes succeeded Kallimachos in the court of Ptolemy Philopator. A useful summary of Eratosthenes' career is provided by Knaack 1907, 358-388.

<sup>58</sup> Siebelis cited by Jacoby (*Notes* 172 n.7).

<sup>59</sup> Cf. *Text* 222.

<sup>60</sup> Cf. n.42.

<sup>61</sup> Cf. n.42.



<sup>62</sup> On the controversies surrounding the date of Kreon's archonship, cf. Develin 1989, 27-8.

<sup>63</sup> Cf. p. 14.

<sup>64</sup> F 31

<sup>65</sup> F 114

<sup>66</sup> F 115

<sup>67</sup> *Contra* Jacoby (1949, 86-99), who envisaged the local historians of Attica to have structured their whole narratives around lists of kings and archons. The assumption that the elaborate chronologies of early Greece and Athens reflected in the chronographic work of Eusebios originates with the researches of the Attic historians is evident in the monograph of Mosshammer (1979, esp. 92).

<sup>68</sup> FF 49-51, 53-6.

<sup>69</sup> Cf. previous note

<sup>70</sup> F 157.

<sup>71</sup> Cf. p. 14.

<sup>72</sup> F 6.

<sup>73</sup> F 97.

<sup>74</sup> F 10.

<sup>75</sup> F 14.

<sup>76</sup> F 15.

<sup>77</sup> F 16.

<sup>78</sup> F 9.

<sup>79</sup> F 13.

<sup>80</sup> F 104.

<sup>81</sup> FF 25-9.

<sup>82</sup> FF 21, 22, 25.

<sup>83</sup> Cf. Section 1.2 ("Transmission")

<sup>84</sup> The paramount importance of reading ancient historiography primarily as literature is emphasised by Woodman 1988 and Marincola 1997.

## Notes to Chapter II.

<sup>1</sup> The noun Ἀτθίς has a rich heritage. It first appears in fragments of Sappho in reference to one of her pupils (Sapph. FF 40, 98, 137 Diehl; cf. also Ov. *Ep. Sapph.* 17; Maxim. Tyr. *Diss.* 18.9; Sud. s.v. Σαπφώ). According to local legend, Atthis was the daughter of King Kranaos, who gave her name to the land once known as Aktaia, viz. Attica :cf. Strab. 9.1.18; Paus. 1.2.6. For attested usages of Ἀτθίς as a nominal or adjectival expression for Attica, cf. Eur. *Ion.* 12; *Iph. Taur.* 247-248; Apol. Rhod. 1.93; Epinikos 3.330.1 Kock.

<sup>2</sup> Jacoby 1949, 81-2; Harding 1994, 1-2. For a good survey and discussion of the evidence pertaining to the Πίνυκες of Kallimachos, cf. Pfeiffer 1968, 127-140.

<sup>3</sup> Cf. Jacoby 1949, 84: "Hellenistic scholarship, probably under the influence of Kallimachos' Πίνυκες, almost universally adopted the convenient title *Atthis* for the Attic local chronicles." Even if he was correct to think that the origin of the title lay with Kallimachos, a more important question is whether the term was used *only* for chronicles. Jacoby fell into the logical trap of assuming that, because Attic chronicles were at some point assigned the title *Atthis*, any work bearing that title must have possessed the form of a chronicle; this is by no means self-evident.

<sup>4</sup> Wilamowitz 1893<sup>2</sup>, 260-290. On the debt of Wilamowitz to the theories of Mommsen, cf. Jacoby 1949, 53-54.

<sup>5</sup> Jacoby 1949. The most polemical portion of Jacoby's treatise is Ch. I ("Atthis"), which exposes the essential fallacies of Wilamowitz' theory. Ch. II ("Atthidography"), esp. pp.71-9, advances the view that the *Atthides* were differentiated in political outlook. Ch. III ("Sources of the Atthis") attempts to prove that Hellanikos stood at the head of a literary tradition which culminated with the *Atthis* of Philochoros and that the body of tradition on which Hellanikos drew was orally derived.

<sup>6</sup> Dion. Hal. *Ant. Rom.* 8.1.3 = *FGrHist* 329 T 1

<sup>7</sup> Though I have said that Philochoros' is the only *Atthis* with which Dionysios reveals any intimate familiarity (cf. *Ad Amm.* 9 = schol. Dem. 2.1 = FF 49-51), we should not, of course, assume *a fortiori*



that Philochoros' was the *only* local *History* of Attica of which Dionysios knew; indeed, we have positive evidence that he was aware of Phanodemos' Ἀττική Ἀρχαιολογία (cf. Dion. Hal. *Ant. Rom.* 1.61.5 = *FGrHist* 325 T 6). Still, even if he did know of *Atthides* other than that of Philochoros, the distinct possibility remains that Philochoros' was the *only* one he knew in intimate detail.

<sup>8</sup> The other is the *Atthis* of Androtion (cf pp.43-5).

<sup>9</sup> The dates of the historian Amelisagoras are impossible to establish with any degree of precision. The best evidence is supplied by Dionysios of Halikarnassos (Dion. Hal. *Thuc.* 5 = *FGrHist* 330 T 1), who relegates Amelisagoras to the list of Thucydides' predecessors. For a summary of the scholarly debate concerning the validity of Dionysios' testimony, cf. Toye 1995, who, in contrast to Jacoby, believes that Dion. Hal. *Thuc.* 5-7 is based upon reliable documentary material. Only one fragment is taken explicitly from the *Atthis* of Amelisagoras (Antigon. *Hist. Mir.* 12 = *FGrHist* 330 F 1). That this was an academic work focusing on matters connected with soothsaying is explicit in Maxim. Tyr. *Dissert.* 38.2 p.439, 11 Hobein = *FGrHist* 330 T 2 and is suggested circumstantially by the citation of Antigonos. The *Atthis* of Amelisagoras was more closely akin to Philochoros' Περὶ Μαντικῆς than to his *Atthis*.

<sup>10</sup> Our sparse knowledge of Hegesinous' *Atthis* comes solely from Pausanias, according to whom Hegesinous composed a poem entitled *Atthis* (cf. (cf. Paus. 9.29.1-2 = *FGrHist* 331 T 1 = F 1). We have no information on his dates, except that he preceded a certain Kallippos of Korinth (*FGrHist* 385), whose dates are otherwise unknown.

<sup>11</sup> We have no precise dates for the historian Istros, but a short biography preserved in the *Suda* (Sud. s.v. Ἰστρος = *FGrHist* 334 T 1) states that he was a slave of Kallimachos, indicating therefore a period of literary activity some time in the third century. That Istros' work had received the title of Ἀτθίς by later antiquity is clear from the citation of Harpokration (*FGrHist* 334 FF 2a), and an identity with the work more commonly known as τὰ Ἀττικά or συναγωγή τῶν Ἀττικῶν is thoroughly probable. If Istros related mythical stories concerning Theseus in Book XIV (cf. *FGrHist* 334 F 10), it is difficult to see any correlation with the annalistic techniques of Philochoros. Jacoby assumed that Istros wrote a chronicle of some kind but, unlike Philochoros, covered only the regal period of Athenian history. *Pace* Jacoby, I find it difficult to see why an enquiry into mythical aspects of Attic history should have taken the form of a chronicle at all, and there is nothing in the fragments themselves to suggest that it did. The title Συναγωγή τῶν Ἀττικῶν would imply a general survey of matters related to Athens and Attica, and Eustathios' attribution to Istros of a work entitled Ἀττικοὶ Λεξεῖς (*FGrHist* 334 F 23a), if the same work as τὰ Ἀττικά cited by Photios (*FGrHist* 334 F 23b), may very well imply that the *Atthis* of Istros was, in principle, a lexicon of Attic terms and expressions.

<sup>12</sup> *FGrHist* 330 F 1

<sup>13</sup> *FGrHist* 331 F 1

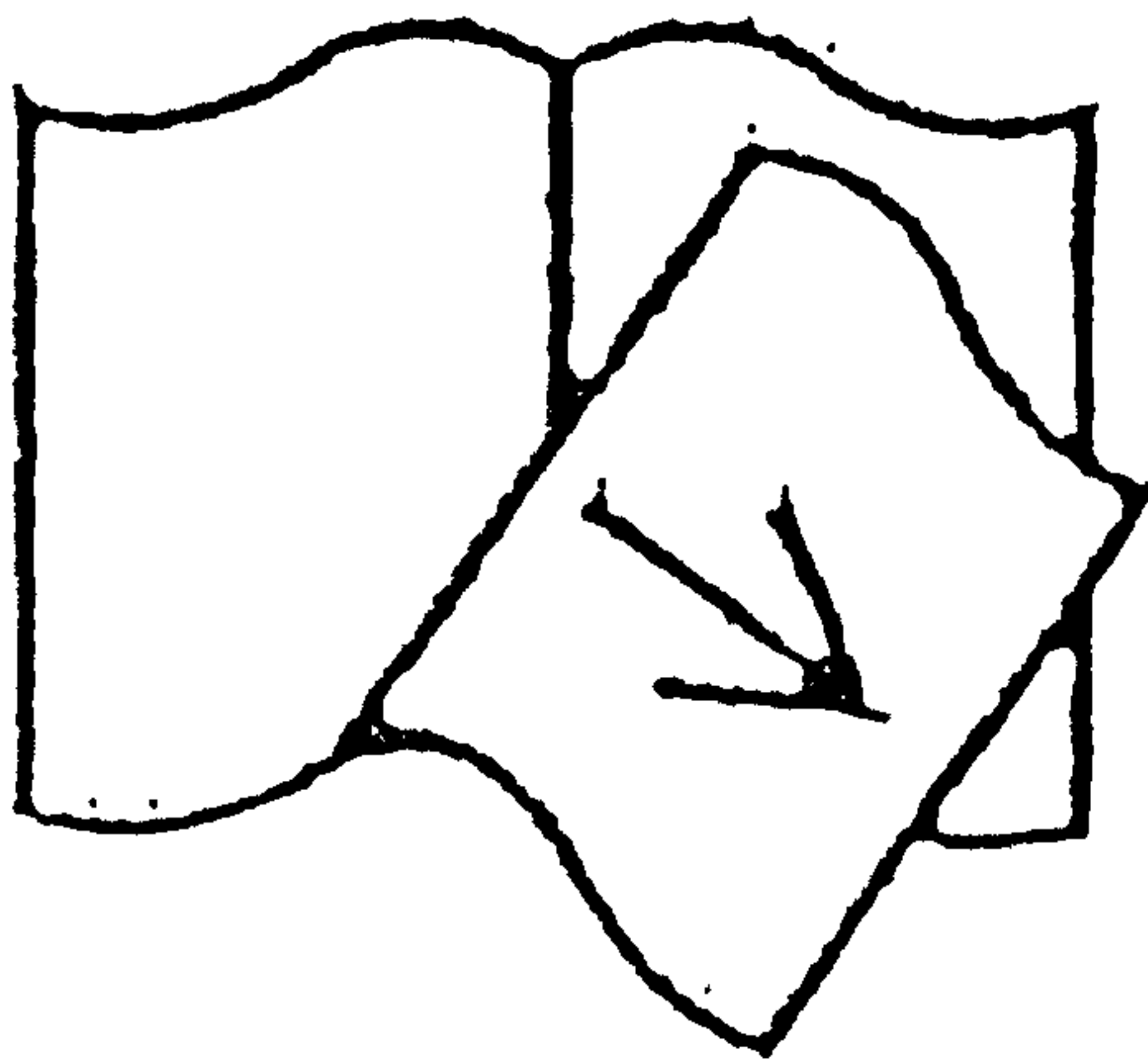
<sup>14</sup> Cf. n. 11.

<sup>15</sup> Thuc. 1.97.2 = *FGrHist* 323a T 8. "I wrote a history of these years and made a digression within my narrative for this reason, because this period is left out by all my predecessors, who dealt either with Greek affairs prior to the Persian Wars or with the Persian Wars themselves; he who touched upon these events in the *Attic History*, Hellanikos, alluded to them briefly and without precision as to chronology." This testimonium is crucial for deciding not only the question of Hellanikos' place in the *Atthidographic* tradition but also the related question of his chronological relationship to Thucydides. Though providing a *terminus ante quem*, its value is diminished by the fact that we do not know precisely when Thucydides composed this portion of the *History*, and there is of course a scholarly controversy as to whether the Πεντηκονταετία was a later insertion. But three main possibilities arise. (1) The allusion to Hellanikos at 1.97.2 is a later insertion into the text, the main portion of which was composed before the publication of the *Atthis*: cf. Ziegler 1929, 66 n.2; Jacoby 1949, 95; Adcock 1951, 11; Lendle 1968, 678; Westlake 1969, 42; de Ste Croix 1972, 315. (2) 1.97.2 is integral to Thucydides' text, and the Πεντηκονταετία was composed in response to the *Atthis* of Hellanikos: cf. Schreiner 1998, 13-4. (3) The two fragments attributed to Hellanikos by scholiasts on Aristophanes' *Frogs*, which indicate that Hellanikos was active until at least 407/6 (cf. below, n.48), are bogus, and Hellanikos, as the chronographic testimonia imply (cf. Gell. *N.A.* 15.23; *vit. Eur.* p.2 Schwartz; Euseb. *Chron. ap. Hieron. Ol.* 70.1; Sud. s.v. Ἑλλάνικος), published his *Atthis* sometime prior to the outbreak of the Peloponnesian War: cf. Toye 1995, 293-5. (1) seems unlikely, as the allusion to Hellanikos at 1.97.2 fits naturally into the context of Thucydides' statement of purpose. (3) is superficially attractive in that it avoids intricate questions concerning the composition of Thucydides' *History*, but it relies on the unprovable supposition that *FGrHist* 323a FF 25 and 26 have suffered false attribution. On balance, I am inclined to accept (2), though for reasons entirely different from those of Schreiner. Though Thucydides states at the outset (1.1) that he began writing the *History* at the outbreak of the



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<sup>40</sup> *FGrHist* 323a FF 6 and 9

<sup>41</sup> *FGrHist* 323a F 8

<sup>42</sup> *FGrHist* 323a F 23

<sup>43</sup> On the emergence of a king-list in Hellanikos *Atthis*, cf. Jacoby 1949, 43-51.

<sup>44</sup> Plut. *Alk.* 21.1 = *FGrHist* 323a F 24b

<sup>45</sup> [Plut] *Vit X Orat.* 834B = *FGrHist* 323a F 24a

<sup>46</sup> Cf. above p. 33.

<sup>47</sup> Hdt. 8.51.1

<sup>48</sup> *FGrHist* 323a FF 25 and 26. For the opinion that these fragments have suffered false attribution, cf. Toye 1995, 293.

<sup>49</sup> It is true that the first of the two fragments under consideration suggests *prima facie* that the context from which it was taken was annalistic, but we must not place excessive faith in scholiastic citations, especially when the burden of evidence militates against their implications. For an explanation of the processes by which scholiastic citations frequently became corrupt, cf. Montana 1996.

<sup>50</sup> The dating of Kleidemos rests on very fragmentary evidence. That he was the earliest of the local historians of Attica is suggested by the testimony of Pausanias (10.15.5 = *FGrHist* 323 T 1 = F 10), but this is clearly at odds with that of Photios (*Lex.* s.v. ναυκράρια = *FGrHist* 323 F 8), which must imply that Kleidemos composed his history after the establishment of symmories at Athens in 378/7. Pausanias may either have been unaware of Hellanikos' *Atthis* or merely misdated it in relation to that of Kleidemos. Alternatively, he did not (for one reason or another) feel inclined to classify Hellanikos among those ὅποσοι τὰ Ἀθηναίων ἐπιχώρια ἔγραψαν. Jacoby (1949, 74 and *Text* 58) contended that, since [Dem.] 47.21 proposes to add to the twenty συμμορίαι that existed in 355/4, the number must have been increased to one hundred after that date and that Kleidemos must have published his *Atthis* sometime around the middle of the fourth century. A far more plausible suggestion is that ἑκατόν in Photios' quotation is a corruption of εἴκοσι. For more recent discussions of the bill of 355/4, cf. Rhodes 1982, who argues that it was never in fact implemented, and MacDowell 1986, who supports the position of Jacoby. I believe, with Rhodes, that we can postulate an upper terminal date of 378/7 for the composition of Kleidemos' *Atthis* but nothing lower.

<sup>51</sup> On the life and dates of Androtion, cf. Jacoby, *Text* 87-93; Davies 1971, 913; Harding 1976, 186-200; Moscati Castelnovo 1980; Harding 1994, 13-25. A *terminus post quem* is supplied by Didymos Chalkenteros, who alludes to information supplied by Androtion in connection with events of the archonship of Lykiskos, viz. 344/3 (*FGrHist* 324 F 53). Though we have no positive indication as to the length of the *Atthis*, we know that it contained at least eight books and, if the numeral supplied by Harpokration is to be believed (cf. *FGrHist* 324 F 33), may have contained as many as twelve. Any estimate as to the probable length of the *Atthis* must affect the question of Androtion's lifespan, as the *Atthis* was composed annalistically and its length must therefore give a *terminus post quem* for the death of Androtion. If the seventh book narrated events of the mid-fourth century, as suggested by Didym. *Dem.* 13.7 col. 13, 42 = *FGrHist* 324 F 30, we must suppose that the eighth stretched down at least as far as the Battle of Chaironeia in 338/7. On the approximate dates of Androtion's birth and on the nature of the evidence, cf. Harding 1994, 14-16.

<sup>52</sup> For a summary and discussion of the evidence pertaining to the dating of Phanodemos, cf. Harding 1994, 28-9. Though we have inscriptions from the 330s and 320s relating to a certain Phanodemos son of Diyllos of the deme Thymatadai, it is not obvious that the man in question was identical with the author of the *Atthis*. This is important when we consider that there are six Phanodemoi on record dating from the fourth century alone. To Jacoby's collection of epigraphical data on Phanodemos might be added <sup>2</sup>Apχ.<sup>2</sup>Εφ. 1917: 40-8, no. 42.

<sup>53</sup> Cf. Ch. I, n.41.

<sup>54</sup> *FGrHist* 323 F 1.

<sup>55</sup> *FGrHist* 323 F 2.

<sup>56</sup> *FGrHist* 323 F 7.

<sup>57</sup> *FGrHist* 323 F 8.

<sup>58</sup> Above, n. 57.

<sup>59</sup> Etymol. Magn. 823, 48 s.v. ὦρος.

<sup>60</sup> *FGrHist* 324 F 44.

<sup>61</sup> *FGrHist* 324 F 1 concerns the daughters of Kekrops. F 2 concerns the origins of the Panathenaia. F 3 relates to the jurisdiction of the early Areiopagos. This book is not cited for archon dates.

<sup>62</sup> *FGrHist* 324 F 4 attests that the Council of the Areiopagos was composed out of the nine archons of every year. F 5 concerns the institution of the ἀποδέκται, while F 6 relates to the ostracism of Hipparchos son of Charmos. F 7 alludes, in an unknown context, to Delphi. Like Book I, this book is



not cited for archon dates. If, as is probable, Book II covered the sixth and early part of the fifth centuries, Jacoby's attribution of FF 33-38 to this book are for reasons of chronology no doubt correct.

<sup>63</sup> *FGrHist* 324 FF 8-15. There can be no doubt that Jacoby's attribution of FF 40-45 to Book III is correct on chronological grounds.

<sup>64</sup> *FGrHist* 324 FF 18, which alludes to the embassy of Hagnias and his execution at the hands of the Spartans. For the precise dating of this fragment and the attending debates, cf. Harding 1994, 112-113. The contents and place of Book IV within the framework of the *Atthis* are, as Harding notes (1994, 27), extremely difficult to establish. The only two fragments taken from the fourth book are FF 16 and 17, whose original contexts are impossible to surmise.

<sup>65</sup> *FGrHist* 324 FF 18-21, 46-51.

<sup>66</sup> *FGrHist* 324 FF 22-28.

<sup>67</sup> *FGrHist* 324 FF 29-31.

<sup>68</sup> *FGrHist* 324 F 53.

<sup>69</sup> For a scholarly discussion of the length of Androtion's *Atthis*, cf. scholars cited above at n. 51.

<sup>70</sup> *FGrHist* 324 F 3 = 328 F 4 and 21; 324 F 18 = 328 F 147; 324 F 24 = 328 F 47; 324 F 37 = 328 F 120; 324 F 39 = 328 F 125; 324 F 43 = 328 F 136; 324 F 48 = 328 F 150; 324 F 52 = 328 F 52.

<sup>71</sup> Dion. Hal. *Ant. Rom.* 1.61.5 = *FGrHist* 325 T 6.

<sup>72</sup> Athen. 392d = *FGrHist* 325 F 2.

<sup>73</sup> Schol. V Ar. Av. 873 = *FGrHist* 325 F 3.

<sup>74</sup> Phot. *Sud.* s.v. Παρθένου = *FGrHist* 325 F 4.

<sup>75</sup> Harpokr. *Epit.* s.v. Τριτοπάτορες = *FGrHist* 325 F 6.

<sup>76</sup> Athen. 114c = *FGrHist* 325 F 7.

<sup>77</sup> *FGrHist* 325 FF 9-30.

<sup>78</sup> Steph. Byz. s.v. Ἰκός = *FGrHist* 325 T 7.

<sup>79</sup> Harpokr. s.v. Ἐκατης νῆσος = *FGrHist* 325 F 1. Jacoby, on inconclusive grounds, rejected the evidence of a treatise entitled *Δηλιακά* and assumed that Harpokration, or his source, confused it with the *Δηλιακά* of a certain Semos of Delos (*FGrHist* 396 F 2 with *Text* 175). I fear that the evidence for Phanodemos and for his literary output is too sparse to reject Harpokration's testimony out of hand.

<sup>80</sup> Harpokr. s.v. γρυπανεῖον = *FGrHist* 326 F 1.

<sup>81</sup> Athen. 325c = *FGrHist* 326 F 2; schol. RV Ar. Av. 1073 = *FGrHist* 326 F 3ab; schol. Ar. *Plut.* 845 = *FGrHist* 326 F 4.

<sup>82</sup> *Sud.* s.v. Φιλόχορος = *FGrHist* 327 T 1 = *FGrHist* 328 T 1; Athen. 96de = *FGrHist* 327 F 1; Harpokr. s.v. προκονία = *FGrHist* 327 F 3.

<sup>83</sup> Cf. previous note.

<sup>84</sup> Harpokr. s.v. Μούσαν λείαν = *FGrHist* 327 F 4.

### Notes to Chapter III.

<sup>1</sup> Jacoby 1949, 76-9.

<sup>2</sup> For more recent expressions of Jacoby's claim that the climate of the classical age was one in which the basic facts of history were disputed by politicians of different leanings, cf. Hignett 1952, 2-12; Fuks 1953, 1-57; Ruschenbusch 1958; Schreiner 1968; Cecchin 1969; Finley 1971; Walters 1976; Rhodes 1981, 376-7; Ostwald 1986, 358-411; Hansen 1989, 74-7. Though the scholars cited above disagree with one another on the extent to which *Atthidography* can be likened to political pamphleteering, all accept the fundamental idea that the *πάτριος πολιτεία* was a theme of ongoing debate within the assembly from at latest the middle of the fourth century and that this alleged debate wielded a profound influence on the way in which writers and theorists of the fourth and third centuries re-constructed the history of the Athenian constitution. The claim that *πάτριος πολιτεία* was a political catchphrase at Athens in the classical period is so deeply entrenched that even those who argue against Jacoby's reconstruction of political tendencies in *Atthidography* concur on the point that constitutional history was a contentious political theme in the fourth century, even if they disagree that historical contention in the public sphere had any visible effect on *Atthidography*: cf. Harding 1977.

<sup>3</sup> Jacoby 1949, 154.

<sup>4</sup> Cf. section 3.5.

<sup>5</sup> Cf. section 4.1.



<sup>6</sup> Cf. sections 3.3 and 3.4.

<sup>7</sup> Ruschenbusch 1958.

<sup>8</sup> Hdt. 5.52-78. The implications of Herodotos' treatment of Kleisthenes are treated in section 3.3.

<sup>9</sup> The fragment on Mounychia is *FGrHist* 323a F 7. The claim that the fragment comes from a portion of the *Atthis* that dealt with battle of Mounychia recorded later by <sup>2</sup>Aθπ. is wholly *a priori* and stems from complex *Quellenforschung* connected with <sup>2</sup>Aθπ.'s account of the end of the tyranny.

<sup>10</sup> Isokr. 7, esp. ch. 16; Ruschenbusch 1958.

<sup>11</sup> Ruschenbusch 1958, 398-408; *contra* Jacoby 1949, 154. As with Hellanikos, modern imputations of opinion to Kleidemos on the contentious subject of the πάτριος πολιτεία reside not on evidence supplied by the fragments but on the preconceived idea that the next literary author after Isokrates to treat Solon (on Jacoby's dating Kleidemos) will have taken issue with his immediate predecessor and characterised the πάτριος πολιτεία in accordance with his own political sympathies. That Kleidemos' sympathies were essentially democratic has been argued chiefly on the basis of *FGrHist* 323 F 21, which assigns credit for the funding of the populace before Salamis not, as did the author of <sup>2</sup>Aθπ., to the Areiopagos but to the popular leader Themistokles. On the weakness inherent in these views, cf. section 3.6 below.

<sup>12</sup> The treatise of Theopompos *On the Athenian Demagogues* is the commonly presumed source of the fourth-century opinion recorded by the author of <sup>2</sup>Aθπ. (cf. 6.2-4) that Solon put forward the σεισάχθεια in the interest not of the poor but of the wealthy Attic landholders, who, knowing that *tabula rasa* was imminent, proceeded to buy up land on credit. The attribution of this opinion to Theopompos is done through a process of elimination. Given that <sup>2</sup>Aθπ. characterises the view as anti-democratic, the two immediate choices are Theopompos, who is known on independent grounds to have taken a scathing attitude to the Athenian democracy (cf. Connor 1968), and Androtion, who is thought nowadays to be the source of the anti-democratic tradition underlying <sup>2</sup>Aθπ. (cf. section 3.6). We know, however, that Androtion cannot have been the source here, since the author(s) to whom Aθπ. alludes evidently accepted the mainstream account of the σεισάχθεια as a debt relief measure, whereas, according to Plutarch (*FGrHist* 324 F 36), Androtion characterised it as a coinage reform. On the basis of the assumption that Theopompos was the source of the anti-democratic tradition recalled at <sup>2</sup>Aθπ. 6.2-4, the claim has been made that Theopompos, in virtue of his allegiance to *opinio communis* on the substance of the economic reforms, attributed to Solon radical democracy but, unlike Kleidemos, treated radical proposals as means by which demagogues could amass political capital.

<sup>13</sup> The only attested fragment of Androtion touching the Solonian reforms is the one alluded to in the previous note. There is, however, not a shred of positive evidence to suggest that Androtion ascribed a "moderate constitution" to Solon. The view that he did is predicated on the assumption that Androtion's sympathies were broadly anti-democratic and that the impression derived from Aθπ. of a relatively modest downsizing of Areiopagite competence in the time of Solon is therefore due to a debt on the part of Aθπ. to the *Atthis* of Androtion. For criticisms of this reasoning, cf. section 3.6. The claim that Androtion ascribed the institution of moderate democracy to Theseus has a broader theoretical dimension and depends on the idea that between the publications of the *Areopagitikos* and Aθπ. a third account came into circulation imputing a democratic reform to Theseus. Ruschenbusch argued that this account was Androtion's *Atthis* thus. (1) Isokrates makes no mention of Theseus as a reformer in the *Areopagitikos*; hence the tradition concerning the institution of moderate democracy under Theseus cannot have been in existence in 356, the approximate date of the publication of the *Areopagitikos*. (2) The earliest unequivocal mention of Theseus in connection with a constitutional reform occurs in a speech attributed to Demosthenes dating c. 343-40 (cf. [Dem.] 59.74f.) and in the *Panathenaikos* of Isokrates dating from roughly the same time (cf. Isokr. 12.128ff, 138, 143, 145-8); hence, the tradition had become established between 356 and c.340. (3) Whereas the *Panathenaikos* implies that democracy continued uninterrupted after the death of Theseus, the mainstream literary tradition holds that a reversion to absolute monarchy occurred under Theseus' successor Melanthos (cf. Plut. *Thes.* 32-5); hence, Isokrates' source saw the period between the monarchy of Theseus and the tyranny of Peisistratos as a period of continuous democracy, albeit of a moderate kind. (4) The only viable candidate on grounds of dating (cf. Chapter II note 51) can have been the *Atthis* of Androtion.

<sup>14</sup> The basis of this imputation is discussed in Section 3.6.

<sup>15</sup> This, once again, is the product of supposition and depends on the validity of the claim that the so-called "Drakontian constitution" described in <sup>2</sup>Aθπ. 3-4 is a later interpolation postdating c. 322 (cf. Jacoby 1949, 94 and 154; Hignett 1952, 5; Ruschenbusch 1958, 421-2; Rhodes 1981, 28). For the attribution of this passage to Demetrios Phalereus, cf. Jacoby 1949, 385 n.51.

<sup>16</sup> Jacoby 1949, 152-68. For Jacoby, the question was one not merely of family politics but of political ideology: those who championed pro-Alkmaionid claims will have favoured Perikles and by extension



thes democracy at the head of which Perikles stood, while partisans of oligarchy sought to diminish the historical standing of the Alkmaionid family by crediting the tyrannicides. This notion of course rests on an old-fashioned idea that the Alkmaionidai were pro-democratic in their political affiliations and opponents of the Alkmaionidai anti-democratic, an idea which has lost favour since Jacoby's time. For a more cautious assertion of the view that the Alkmaionidai were as a group wedded to democratic principles, cf. already Williams 1951; 1952a; 1952b. More recent treatments of the tradition surrounding the demise of the Peisistratidai have dispensed altogether with the theory that divergences in perception reflected divergent ideological sympathies; cf. Ehrenberg 1950; 1956; Lang 1954-5; Podlecki 1966; Fornara 1968a; 1968b; 1970; Forrest 1969; Asheri 1982; Thomas 1989, 238-82; Zahrnt 1989. An important exception is Fitzgerald 1957, who revived the notion that the debate took on a democratic/conservative dimension.

<sup>17</sup> The most important re-assessment of Jacoby's analysis in recent times, that of R. Thomas as cited in the previous note, still clings on to the idea that popular perceptions of history in the fifth century can be re-constructed from literary texts dating from that time. To be sure, it is possible to detect from the tone and argument of the narratives of Herodotos and Thucydides what Athenians of the day must have believed and the relationship between literary presentations of history and public perception; on the other hand, literary texts must be treated as texts with their own internal logic and not, so to speak, as repositories of oral tradition; cf. Ch. IV section 1.

<sup>18</sup> Hdt. 1.29-34. For Herodotos' view of Solon as a giver of laws rather than as author of a πολιτεία, cp. 1.86; 2.177; 5.113.

<sup>19</sup> Hdt. 5.52-78; 6.123. My translation of ἰσονομία as "equality of share" is unconventional, but I believe it to be the only correct rendition of this much-debated term. Scholars in the past have been beguiled by the etymological overlap with νόμος and have debated whether it means "equality of law", "equality before the law", etc. (cf. e.g. Larson 1948; Vlastos 1953). Little consideration has been given to the possibility that, while cognate with νόμος, ἰσονομία may have a closer link with νέμειν, which, like the German *nehmen*, is to do primarily with apportionment and distribution. If rendered "equality of share", we can make much better sense of ἰσονομία as it appears in the text of Herodotos than we can by any other rendition: the very principle of democracy was that all, regardless of birth, location or background, could participate equally in the government of the city, and this is precisely what the tribal reforms of Kleisthenes in principle set out to achieve.

<sup>20</sup> Jacoby 1949, esp. 153-4; Ruschenbusch 1958, 408.

<sup>21</sup> Cf. previous note.

<sup>22</sup> Hdt. 5.78; cp. Arist. *Pol.* 1273b27-1274a22, where a distinction is made between lawgivers who left merely laws (νόμοι) and those who left constitutions (πολιτεῖαι) and where Solon and Lykourgos are placed in the latter category. That Aristotle's attribution of a πολιτεία to Solon is the result of fourth-century historical invention is nevertheless clear on inspection of the terms of the decree of Teisamenos (see below, pp. 132-6), which differentiates implicitly between observation of the Solonian laws on the one hand and the practice of the πάτριος πολιτεία on the other. Rhodes' conviction (cf. 1981, 119) that fourth-century literary re-constructions of the "Solonian constitution" based themselves on information derived from the Solonian laws is belied not only by the implications of Teisamenos' decree but by the abundant evidence for the Solonian laws themselves, which, as independent citations show, were not in any meaningful sense constitutional - i.e. regulating the competence of different governmental bodies - but chiefly civil and sacred; where the statutes enter into the realm of public law, at most they lay down provisions against tyranny and immoral behaviour that might affect the interests of the community. An exhaustive collection of attestations to Solon's laws is given by Ruschenbusch 1966.

<sup>23</sup> The finest case in point is supplied by the epigraphical testimony to the laws at Gortyn (*IC IV 72* = *ML 41* with Willetts 1967), which in essence prescribed a series of legal remedies in the event of civil dispute between two or more members of the community. The earliest known law from Athens, the Drakontian law on homicide (*IG i<sup>3</sup> 104* = *ML 86*), similarly lays down provisions for the resolution of private quarrels stemming from homicide (for a detailed discussion of this law and its implications for the way we conceive documentary transmission at Athens, cf. Chapter IV section 2. The Solonian laws do admittedly cover the realm of public law to the extent that they regulate sacred affairs and matters affecting the interests of the body politic at large (cf. frgs. 81-6 Rusch.), but, as indicated in the previous note, there is precious little sign of constitutional regulations.

<sup>24</sup> Aθπ. 7-9; Arist. *Pol.* 1273b27-36.

<sup>25</sup> Andok. 1.82.

<sup>26</sup> Ruschenbusch 1958, 408.

<sup>27</sup> Above, nn. 19 and 20.

<sup>28</sup> I refer here to the famous Rider of Kleitophon quoted at Aθπ. 29.3. For discussion, see pp. 75-7.



<sup>29</sup> Hdt. 5.52-78. Herodotos does not castigate Kleisthenes quite in the terms I use here; on the other hand, if the narrative is read with attention to its full range of implications, it is clear that his account of the establishment of *ἰσονομία* under Kleisthenes is far from flattering. See below, pp. 68-71.

<sup>30</sup> That Athenians believed Harmodios and Aristogeiton to have been the authors of their liberty is clear from independent literary and epigraphical evidence dating from the fifth century (see below, pp. 68-9) and is implied by Herodotos at 6.123. This is denied, however, by Thomas (cited below, n.35).

<sup>31</sup> Cf. Thuc. 6.64-9; Jacoby 1949, 154.

<sup>32</sup> Jacoby 1949, esp. 158-68.

<sup>33</sup> For the dating of the origins of the cult to the 480s, cf. Podlecki 1966.

<sup>34</sup> Fornara 1968a; 1968b; 1970.

<sup>35</sup> That Athenians remembered Lepsydion is clear from a drinking-song quoted at Aθπ. 19.3.

<sup>36</sup> Thomas 1989, 238-82.

<sup>37</sup> Hdt. 6.123.

<sup>38</sup> That Herodotos' narrative should not be regarded as distinctly "Alkmaionid" is rightly recognised by Thomas (cf. 1989, esp. 248-9), but the assumptions behind Thomas' analysis are quite different from those expressed here. Thomas, like Jacoby, is committed to the principle that Herodotos drew his material on the liberation of Athens from an oral source, but, unlike Jacoby, she identifies this source as Athenian rather than as exclusively Alkmaionid. My approach seeks to explain Herodotos' narrative not as a replication of material derived from an oral source at all but as an independent literary creation that owed little, if any, of its material to an earlier Athenian tradition. I do not agree with Thomas that the identification of the tyrannicides as liberators only emerged at Athens in the fourth century. It is clear from the drinking-song cited by Athenaios (cited below, n.37) that Athenians in the fifth century *did* synchronise the liberation with the assassination of Hipparchos and commemorated Harmodios as their liberator, a belief implied in the fact that they held Hipparchos to have been the eldest of the sons of Peisistratos (cf. Thuc. 1.20.2); the polemical tinge of Herodotos' narrative (and later of Thucydides') is only comprehensible if we recognise that Athenians did believe the myth that he criticises.

<sup>39</sup> Denied by Thomas (cited at n. 35).

<sup>40</sup> See below, section 3.4.

<sup>41</sup> *Poetae Melici Graeci* nos. 893-6. ἐκ μύρτου κλάδι τὸ ξίφος φορήσω/ ὥσπερ Ἀρμόδιος καὶ Ἀριστογείτων/ ὅτε τὸν τύραννον κτανέτην/ ἰσονόμους τ' Ἀθήνας ἐποίησάτην. Thomas (1989, 258-61) is herself aware of this evidence and acknowledges the implication that Harmodios and Aristogeiton were responsible for the liberation of Athens. Yet, in support of her claim that Athenians of the fifth century did not forget that Kleisthenes was Athens' true liberator, she contends that the tyrannicides were "convenient and innocuous symbols for all Athenian groups" and that the drinking-song, if indeed it dates from the fifth century, represents nothing more than an attempt to cover up the embarrassing fact that liberty was won by an accursed family who bribed the Delphic oracle to achieve their personal ends. This, however, is a tacit admission that Athenians, justifiably or not, *did* regard the tyrannicides as their liberators and, even if aware of events subsequent to the assassination of Hipparchos, *were* prepared to assign credit to Harmodios and Aristogeiton as the authors of *ἰσονομία*.

<sup>42</sup> *IG* i<sup>3</sup> 131 (the so-called "Prytaneion Decree"); *Hesp.* 5 (1936) 356 with Podlecki 1966, 136-7 and Brunnsäker 1971 (the tyrant-slayers of Kritias and Nesiotes).

<sup>43</sup> Thuc. 1.20.2. Thomas (1989, 242-51) takes Thucydides' statements to imply no more than that Athenians by the late fifth century had become muddled on the question of the relative ages of Hippias and Hipparchos, not that they held the death of Hipparchos at the hands of the tyrannicides to mark the final overthrow of the tyranny. Nevertheless, if the manner in which Thucydides sets up the argument is examined with care, it is quite clear that Athenians *did*, in spite of jumbled recollections of events leading to the expulsion of Hippias, suppose that the death of Hipparchos resulted in the demise of the Peisistratid regime. The point Thucydides is trying to elucidate is just that the tyranny could not have ended with Hipparchos' assassination *because Hipparchos was not the eldest son of Peisistratos and therefore could not have been tyrant when slain*. Thomas makes much of the statement at the outset of the digression in Book VI that Athenians were generally aware of the role played by Sparta in the liberation of Athens and concludes that the synchronisation of the assassination of Hipparchos with the demise of the Peisistratidai was not made until the fourth century, when the tradition became highly simplified in consequence of a shift of attention to the events that led to the demise of the Thirty in 403. Yet I fear it is Thomas who has simplified reality. Athenians did not necessarily produce internally consistent accounts of events that took place a century earlier, and the tradition by the time it reached Thucydides was no doubt a mish-mash of conflicting stories, anecdotes and legends. It was for intelligent historians like Thucydides to sift through the quagmire of tradition and produce an account that was both cogent and historically plausible.



<sup>44</sup> Aθπ. 29.3. The additional information supplied by the author of Aθπ. to the effect that the laws of Kleisthenes were sought out because the Kleisthenic constitution was closer to the Solonian than the Ephialtic is clearly an authorial gloss and could not have come down in the decree itself; see below n.

<sup>45</sup> The assumption has usually been that the decree of Pythodoros and the Rider of Kleitophon were moved by proponents of oligarchy (e.g. Rhodes 1981, 386-7 and scholars there cited), but this rests upon a credulous reading of the contextualisation supplied by Aθπ.; cf. below, n.62.

<sup>46</sup> Above, n. 39.

<sup>47</sup> Thomas (1989, 136-7) is aware of the problems with supposing that Herodotos drew on a exclusively Alkmaionid source, but she resorts to the proposition that the tradition concerning the Alkmaionidai at Delphi was one that was acknowledged by Athenians generally. This position depends on a credulous reading of Herodotos' source-citation at 5.63.1, which ascribes the information concerning the intrigue at Delphi to "the Athenians". As, however, Fehling (1989 *passim*) has shown, many of Herodotos' source-citations are demonstrably fictitious, and we must not in consequence attempt to re-construct Athenian tradition from his narrative in anything but the broadest outline. The tradition of the Alkmaionid bribery is, as Thomas notes, not flattering to Kleisthenes, but by implication it hardly gives a flattering spin to the whole tale of how democracy at Athens was established; for this reason alone, we should be cautious before trying to re-construct "Athenian tradition" from Herodotos' narrative.

<sup>48</sup> The argument that the narrative is pro-Alkmaionid in slant rests partly on the evidence of Herodotos' statement at 6.123 to the effect that nobody could be more hateful of tyranny than the Alkmaionidai. The statement occurs in the context of Herodotos' polemic against the accusation of collusion with the Persians at Marathon. Yet most scholars, including Jacoby, have been slow to acknowledge the self-evident irony in Herodotos' remark. Indeed, Herodotos for the next ten chapters engages in a lengthy digression on the family history of the Alkmaionidai, which is in fact nothing but a tale of centuries of intrigue and collaboration with tyrants, Persians and despots! The one scholar who has given due credit to the moral ambivalence and crosscurrent inherent in Herodotos' narrative is Strasburger (1965, 574-608), but it is surprising just how few scholars since have taken due notice of his observations.

<sup>49</sup> Hdt. 5.67.

<sup>50</sup> Hdt. 8.3.2.

<sup>51</sup> Hdt. 1.5-13. On the important link between the Mermnadai and the Alkmaionidai in Herodotos' text, cf. Moles 1996.

<sup>52</sup> IG 1<sup>3</sup> 131 lines 1-4 (ἐγράμματα. ἔδοξεν τῷ βουλῇ καὶ τοῖς δέμοις, ἔρχεσθαι ἐπρυτάνευσεν, *vacat* ἐγράμματα, ἔσαν θίππος ἐπεστάτε, [Περικλῆς] εἶπε· κτλ.

<sup>53</sup> Above, n. 40.

<sup>54</sup> The relationship between the Herodotean narrative and oral history will be treated in greater detail in Chapter IV. For now, I must state my debt to the iconoclastic ideas of Fehling (cited in previous note), who argues convincingly against all modern efforts to re-construct oral tradition from the sophisticated literary narrative of Herodotos.

<sup>55</sup> Jacoby 1949, 158-9. Thucydides' famous allusion to Hellanikos occurs at 1.97.2.

<sup>56</sup> Aθπ. 19 with Jacoby 1949, 156-7.

<sup>57</sup> Marincola 1997, 217-57.

<sup>58</sup> FGrHist 239 A .

<sup>59</sup> Cf. those scholars cited above, n.2.

<sup>60</sup> Cf. [Xen] Aθπ. *Passim*.

<sup>61</sup> Thuc. 8.63.3-70; Aθπ. 29-31.

<sup>62</sup> Aθπ. 29.3.

<sup>63</sup> Cf. note below and section 3.5.

<sup>64</sup> If Aθπ. is to be believed, the commissioners were enjoined to seek out the laws of Kleisthenes since the Kleisthenic constitution was closer in form to the Solonian than to the radical democracy installed by Ephialtes. This, however, is a misinterpretation of its real significance. As we have seen, Athenians of the fifth century ascribed to Solon not a constitution but laws, and, as will be seen presently, the very concept of a Solonian πολιτεία is a figment of the fourth century. Aθπ. has taken a genuine document dating from 411 but, in conformity with its theoretical standpoints, has misconstrued it to mean that the laws of Kleisthenes endorsed a "conservative" political dispensation and could be used by proponents of oligarchy to justify their programme on historical criteria.

<sup>65</sup> Thuc. 8.53.3- 64.1.

<sup>66</sup> Cf. Thuc. 8.63.3.

<sup>67</sup> Cf section 3.5.

<sup>68</sup> Cf. Thuc. 8.64.5.

<sup>69</sup> Xen. *Hell.* 2.3.2.



<sup>69</sup> Xen. *Hell.* 2.3.2.

<sup>70</sup> Xen. *Hell.* 2.3.11. Cf. Robertson 1990, 53.

<sup>71</sup> *Ἀθπ.* 35.2.

<sup>72</sup> Cf. e.g. Finley 1971; Hansen 1989.

<sup>73</sup> Aischin. 1.182; 3.275; Dem. 18.6; 20.89-93; 24.148, 211-14; 36.26; cp. Isokr. 7.16.

<sup>74</sup> Aischin. 1.6, 26; 3.108, 175; Dem. 19.251-6; 20.102-4; 24.103, 113-5, 142; 42.1; 43.62-7; 43.78; Hyp. 5.21-2.

<sup>75</sup> Dem. 22.25, 30; 26.4; 44.67; 48.56; 57.31; cp. Isokr. 12.148; 15.230-6, 312.

<sup>76</sup> Cf. Ruschenbusch 1958, 400-408.

<sup>77</sup> The idea that Isokrates champions a conservative view of the *πάτριος πολιτεία* has been expressed by others: cf. e.g. Jaeger 1940, 409-50; Jacoby *Text* 87 with n. 29; Fuks 1953, 1-32; Bringman 1965, 83; Wallace 1989, 145-73; Ober 1998, 248-56. For criticism of this idea, cf. in contrast Baynes 1955, 144-67 and Harding 1973, 137-49.

<sup>78</sup> Jacoby 1949, 154.

<sup>79</sup> Ruschenbusch 1958, 402-3.

<sup>80</sup> For a list of "Solonian laws" that clearly post-date Solon, cf. Ruschenbusch 1966.

<sup>81</sup> Cf. the decree of Teisamenos quoted Andok. 1.83-4.

<sup>82</sup> Isokr. 7.16.

<sup>83</sup> Isokr. 7 *passim*.

<sup>84</sup> Dein. 1.62. The inference that this decree represents a "conservative" trend in Athenian political discourse is drawn by Wallace 1989, 179.

<sup>85</sup> *Hesperia* 21 (1952) 355-6; *Hesperia* 22 (1953) 129. For other inscriptions dating from this period recording sacrifices to Demokratia performed by the Athenian generals, cf. *IG ii<sup>2</sup>* 2791; 1946 lines 131-2 and 140-1; *Hesperia* 31 (1961) 238-43. The inference that these years experienced a democratic "backlash" is drawn by Wallace (1989, 184).

<sup>86</sup> Cf. sections 3.3 and 3.4 above.

<sup>87</sup> Cf. the Rider of Kleitophon (*Ἀθπ.* 29.3) and the allusions to Solon in the orators (nn. 73-5).

<sup>88</sup> The main source of evidence comes from *Ἀθπ.* and Aristotle's *Politics* discussed below (section 3.5).

<sup>89</sup> Cf. e.g. Ruschenbusch 1981, esp. 321-4.

<sup>90</sup> Cf. section 3.1, pp. 56-7.

<sup>91</sup> Arist. *Pol.* 1273b27-1274a22.

<sup>92</sup> For evidence that authors prior to *Ἀθπ.* disagreed on basic historical facts, cf. *Ἀθπ.* 3.2, 6.2, 7.4, 8.3, 22.3, and 18.5. In at least two of these cases it is clear that disagreement arose from difference of political sympathy (cf. 6.2, 18.5).

<sup>93</sup> Cited above, n. 98.

<sup>94</sup> The important point is that those who characterised Solon's constitution as democratic in all its main features did so, according to Aristotle, as a means of blame (καὶ μέμφονται τινες); by implication, the value judgments on both sides of the debate are broadly identical.

<sup>95</sup> *Contra* Ruschenbusch (1981, 322), who identifies the sources of Aristotle as Kleidemos, Androtion and Theopompos.

<sup>96</sup> εἶναι γὰρ τὴν μὲν ἐν Ἀρείῳ πάγῳ βουλὴν ὀλιγαρχικὴν, τὸ δὲ τὰς ἀρχὰς αἰρέτας, ἀριστοκρατικὴν, τὰ δὲ δικαστήρια δημοτικὴν.

<sup>97</sup> Cf. section 3.4, p. 84.

<sup>98</sup> Dein. 1.62.

<sup>99</sup> *Ἀθπ.* 6.2.

<sup>100</sup> συνέβη γὰρ τῷ Σολῶνι μέλλοντι ποιεῖν τὴν σεισαρχεῖαν προειπεῖν τοῖς τῶν γνωρίμων, ἐπειθ' ὥς μὲν οἱ δημοτικοὶ λέγουσι παραστρατηγῆσθαι διὰ τῶν φίλων, ὥς δ' οἱ βουλομένοι βλασφημεῖν καὶ αὐτὸν κοινωνεῖν.

<sup>101</sup> In this particular instance those of democratic and conservative leanings *agreed* on the point that the economic reforms of Solon amounted to a debt-relief measure.

<sup>102</sup> See section 3.4 for discussion of the oratorical evidence.

<sup>103</sup> The uniformity of Athenian belief that the Areiopagos at one time possessed powers outreaching jurisdiction over homicide is suggested in the decree of Demosthenes (Dein. 1.62).

<sup>104</sup> That *Ἀθπ.* drew at least some of its historical material from an annalistic source is clear from the fact that it dates certain laws, events and institutions by an archon year (cf. .5; 4.1; 13.1; 13.2; 14.1; 14.3; 17.1; 19.6; 21.1; 22.2; 22.3; 23.5; 25.2; 26.2; 26.3; 26.4; 27.2; 32.1; 33.1; 34.1; 34.2; 35.1; 39.1; 40.4; 41.1), but it is unclear to what extent his overall view of Athenian constitutional history was dictated by that of an earlier author. Nevertheless, scholars since the time of Wilamowitz have mostly concurred that *Ἀθπ.* owes a substantial debt to the *Atthis* of Androtion, mainly on the grounds that its account of



the institution of ostracism matches almost *verbatim* that of Androtion as cited by a lexicographer (cp. <sup>9</sup>Aθπ. 22.3-4 with *FGrHist* 324 F 6): cf. Day and Chambers 1962, 7 and 80.

<sup>105</sup> Cf. *FGrHist* 324 FF 3-4, 35, 36, 52.

<sup>106</sup> For a detailed discussion of this vital issue, cf. Day and Chambers 1962 *passim*.

<sup>107</sup> I do not believe that the question of the identity of the author of <sup>9</sup>Aθπ. has any profound consequence for the question of whether the historical chapters of <sup>9</sup>Aθπ. are indebted to Aristotelian political theory. I defer to the authority of Rhodes (1981, 61-3) that the author of <sup>9</sup>Aθπ. is probably not Aristotle, but, unlike Rhodes, I recognise the profound debt on the part of that author to Aristotelian doctrine.

<sup>108</sup> <sup>9</sup>Aθπ. 41.

<sup>109</sup> Arist. *Pol.* 1291b30ff, 1292b25ff, 1318b6ff.

<sup>110</sup> The debt of <sup>9</sup>Aθπ. to Aristotelian political theory has been debated heavily by modern scholars. The most extreme version of the claim that the historical narrative is written in conformity with theoretical models outlined in the *Politics* is given by Day and Chambers (1962), who contend that the third, fifth, sixth and seventh of the eleven μεταβολαί listed in ch. 41 correspond neatly to the four μεταστροφαι described by Aristotle at *Pol.* 1292b41. A more skeptical approach is taken by Rhodes (1981, 10-13), who, while acknowledging that aspects of Aristotelian teleology are evident in the historical chapters, remains unpersuaded that the μεταβολαί from Solon onward are mere inventions on the part of the author of <sup>9</sup>Aθπ. to align himself with a tradition of thought emanating from the Lyceum. My own view is that, even if it cannot be proved conclusively that the historical chapters of <sup>9</sup>Aθπ. were written with the schematic formulations of the *Politics* specifically in mind, it is apparent that, like Aristotle, their author saw the history of the Athenian democracy in terms of political evolution and did not subscribe to the notion prevalent at Athens in his own day that the democracy as it existed was the bequest and legacy of a single lawgiver, Solon. This alone is sufficient proof that the theoretical standpoints of <sup>9</sup>Aθπ. are decidedly Aristotelian.

<sup>111</sup> Cf. e.g. 18.2 (the opposition to the sons of Peisistratos), 19.1 (the increasing severity of the tyranny), 22.1 (the obliteration of the laws of Solon), 26.1 (the weakening of the upper classes as a result of wars).

<sup>112</sup> Arist. *Pol.* 1310b1, 1328a12-13; *Met.* 1026a33-1027b16; *Poet.* 1451a17-8, 25; *Phys.* 196b28; *An. Pr.* 32b18-19; *NE* 1154b16-7; *An.* 404 a14-15.

<sup>113</sup> *Gen. An.* 767a23-5.

<sup>114</sup> *Gen. An.* 767b14-5.

<sup>115</sup> *Pol.* 1292b12-8.

<sup>116</sup> *Pol.* 1306b6.

<sup>117</sup> *Pol.* 1303b20; 1307a27, b6, 22.

<sup>118</sup> <sup>9</sup>Aθπ. 2.1.

<sup>119</sup> <sup>9</sup>Aθπ. 18.2, 19.1.

<sup>120</sup> <sup>9</sup>Aθπ. 23.2, 24.1, 27.2.

<sup>121</sup> Arist. *Pol.* 1320b29-30; 1319b6-11.

<sup>122</sup> Arist. *Pol.* 1275b34-7; 1278a32-4.

<sup>123</sup> <sup>9</sup>Aθπ. 26; Day and Chambers 1962, 29-30.

<sup>124</sup> <sup>9</sup>Aθπ. 22.1; cp. Hdt. 5.66.1; Arist. *Pol.* 1319b21-2.

<sup>125</sup> <sup>9</sup>Aθπ. 25.1-26.1.

<sup>126</sup> Cf. Day and Chambers 1962, 25-37.

<sup>127</sup> Cf. Ruschenbusch 1958, 408.

<sup>128</sup> For a summary of scholarship on the sources of <sup>9</sup>Aθπ. since Wilamowitz, cf. Rhodes 1981, 15-20.

<sup>129</sup> Seeck 1904, 282-92; von Mess 1908, 382-4; *ibid.* 1909, 147-9; *ibid.* 1911, 356-92.

<sup>130</sup> Jacoby's view that the discrepancies in <sup>9</sup>Aθπ. arose from within the Attidographic tradition has now become orthodoxy: cf. Day and Chambers 1962, 5-12; Schreiner 1968, 13-20; Rhodes 1981, 20-5.

<sup>131</sup> Jacoby 1949, 75 with n.25; *Text* 81-2.

<sup>132</sup> Jacoby 1949, 78; *Text* 87-8 and 95-9.

<sup>133</sup> Jacoby 1949, 78; *Text* 172-3.

<sup>134</sup> <sup>9</sup>Aθπ. 3.6.

<sup>135</sup> <sup>9</sup>Aθπ. 9.1.

<sup>136</sup> <sup>9</sup>Aθπ. 8.4.

<sup>137</sup> Cp. <sup>9</sup>Aθπ. 3.6.

<sup>138</sup> Rhodes (1981, 155 and 160-2) appears to see no inherent contradiction between the two passages.

<sup>139</sup> Ruschenbusch 1958, 421-2 with scholars cited.

<sup>140</sup> Cp. <sup>9</sup>Aθπ. 41.

<sup>141</sup> Plut. *Them.* 10.6 = *FGrHist.* 323 F 21.

<sup>142</sup> Cf. e.g. Jacoby *Text* 82.



<sup>143</sup> See above.

<sup>144</sup> Jacoby *Text* 144; cf. 1949, 74-8.

<sup>145</sup> The exception is Harding (cf. 1977, 1994, 129-33).

<sup>146</sup> Cf. Aθπ.

<sup>147</sup> This point is well made by Harding 1977, 155-9.

<sup>148</sup> Aθπ. 12.3 = Solon frg. 36 West.

<sup>149</sup> For a survey of the relevant archaeological evidence, cf. Fine 1948 and Finley 1963.

<sup>150</sup> Cf. esp. lines 5-6: Γῆ μέλαινα, τῆς ἐγὼ ποτε/ ὄρους ἀνείλον πολλαχ. ἑπὶ γότας/ κτλ. Exactly what this ὄροι denoted has been the subject of much modern controversy. Woodhouse (1938), whose view can perhaps be regarded as "classic", argued that the ὄροι marked out the land of debtors called ἑκτῆμοροι, who, according to fourth-century tradition, were obliged to yield up a sixth (or five sixths) of their produce to creditors. Woodhouse's interpretation was re-affirmed two decades later by N. Hammond (1961), who maintained that, by ridding the land of ὄροι, Solon effectively abolished all debts in Attica. More recently, T. E. Rihll (1991) has put forward the case that the ὄροι marked out public land from which a certain proportion of increase was to be taken away in the form of taxation. Nearly all scholarly discussion since Woodhouse (and, perhaps, since the fourth century B.C.) has failed to appreciate that the language of Solon frg. 36 is poetic and, for that very reason, is doubtless laden with allegory. When Solon speaks of "freeing the land of ὄροι", he speaks not literally but metaphorically: the land of Attica represents the Athenian people and the ὄροι (viz. "boundaries") stand for the internal divisions which plague it; by bringing about the rule of law, these divisions are eradicated. In turn, when historians and literary critics of the fourth century tried to explain the allusion, they made the simple deductive inference, based upon the practices of their own day, that the ὄροι to which Solon alludes marked out land which had fallen under some sort of legal encumbrance through debt. Hence, the tradition arose in fifth- and fourth-century historiography that Solon, by removing ὄροι from the land, had instituted a *tabula rasa*. Importantly, the tradition of a debt-relief measure arose not from political propaganda - debt-relief as a propagandist motif was, as Harding and others have noted, completely irrelevant to fourth-century Athens - but from literary exegesis.

<sup>151</sup> Cf. Solon frgs.

<sup>152</sup> Cf. the recent discussion of Harris in Mitchell and Rhodes 1997.

<sup>153</sup> Cf. section 3.5., esp. pp. 93-6

<sup>154</sup> Cf. section 3.4.

<sup>155</sup> Cf. sections 3.3, 3.4, 3.5 and 3.6.

<sup>156</sup> *FGrHist* 328 F 3.

<sup>157</sup> *FGrHist* 328 FF 4, 20ab.

<sup>158</sup> *FGrHist* 328 F 20c.

<sup>159</sup> *FGrHist* 328 F 64b (α).

<sup>160</sup> For the dispute over whether Philochoros could have identified the Areiopagos with the Fifty-One, cf. Jacoby *Notes* 108 n.32 *contra* Wallace 1989, 14-5. For the view that F 64 contains bogus information, cf. Jacoby *Text* 337-9.

<sup>161</sup> On the intellectual debt of this model to Aristotelian principles, cf. section 3.5.

<sup>162</sup> *FGrHist* 328 F 3.

<sup>163</sup> *FGrHist* 323a FF 1 and 22. On the grounds that the *Atthis* was composed in annalistic sequence, Jacoby held that these fragments could not have come from that work but from the *Ιερεϊαί*. Yet we have tried to show that Jacoby's attribution of an annalistic technique to Hellanikos is weak; thus, we may safely suppose that these fragments derive from the *Attic History*.

<sup>164</sup> Sud. s.v. Ἀρειος πάγος = *FGrHist* 323a F 1.

<sup>165</sup> *Pace* Jacoby *Text* 22-5. Jacoby, who was aware of the importance laid on homicide jurisdiction both by Hellanikos and by Aischylos, nevertheless postulated that Hellanikos, like his *Atthidographic* successors, would at a later stage in the narrative have incorporated the view that the Areiopagos rose to greater pre-eminence. The basis of this inference was twofold. First, he was not prepared to believe in any discrepancy between the accounts of Hellanikos on the one hand and of Androtion and Philochoros on the other regarding the early Areiopagos; the tradition, he believed, was uniform until it got to Solon. Second, the incorporation of the myth of Orestes must (following Jacoby's reasoning) reflect an attempt on the part of Hellanikos to reconcile two traditions, one acquired from oral tradition containing the myths of Ares, Daidalos and Kephalos, the second acquired from Aischylos containing the myth of Orestes; the very fact that the Orestes story appeared in Hellanikos' account indicates that Hellanikos conceived the Areiopagos to have usurped in the later regal period the right to try justified homicide from the Delphinion; thus, we have in Hellanikos traces of the opinion found later in the *Atthis* of Philochoros that the Areiopagos after the time of the Nostoi underwent a political ascendancy.



Yet these arguments proceed from over-confident *Quellenforschung*, and the fragments of Hellanikos give the distinct impression of a downsizing of competences. For doubts over the legitimacy of Jacoby's re-construction cf. already Wallace 1989, 7-10.

<sup>166</sup> Cf. scholars listed at n. 2.

<sup>167</sup> Jacoby *Text* 25.

<sup>168</sup> Cf. section 3.4.

<sup>169</sup> For a complete survey and discussion of the evidence relating to classical homicide procedure, cf. MacDowell 1963.

<sup>170</sup> Jacoby *Text* 23-4.

<sup>171</sup> For the dating of the foundation of the Delphinion to the reign of Theseus, cf. *FGrHist* 328 F 108 with Jacoby *Text* 431-4. For the dating of the Palladion to the time of the Nostoi, cf. *FGrHist* 323 F 20 and 325 F 16 with Jacoby *Text* 79-81.

<sup>172</sup> Jacoby *Text* 23.

<sup>173</sup> Jacoby *Text* 24-5.

<sup>174</sup> Jacoby *Text* 24-5.

<sup>175</sup> On the freedom with which early historians genealogists "invented" history, cf. Fehling 1993.

<sup>176</sup> See above.

<sup>177</sup> Sealey 1965, 43-6.

<sup>178</sup> Jacoby *Notes* 108 n.32.

<sup>179</sup> Cf. section 4.1.

<sup>180</sup> Plut. *Sol.* 19.3.

<sup>181</sup> Ruschenbusch 1960, 134-5.

#### Notes to Chapter IV.

<sup>1</sup> Jacoby 1949, 197-205.

<sup>2</sup> Cf. Chapter II.

<sup>3</sup> Cf. Ch. II section 1.

<sup>4</sup> Laqueur 1927.

<sup>5</sup> Thuc. 1.20.1; 73.2 with Jacoby 1949, 216 and 389 n.3.

<sup>6</sup> Jacoby 1949, 196-215; *ibid.* 1956, 49-59 and 73-99.

<sup>7</sup> See Chapter II, *passim*.

<sup>8</sup> Aischin. 3.75; Lyk. 1.68. For scholarly discussions of the contents of the Metroon archive, cf. Curtius 1868, 15-20; Kahstedt 1932, 25-7; Posner 1972, 108-10; Hansen 1991, 11; Sickinger 1999, 114-138.

<sup>9</sup> Kahstedt 1938, 25-32.

<sup>10</sup> More recent expressions of this view can be found in Thomas 1989, 68-73; Todd 1993, 56; Hedrick 1994; Todd 1996, 123; Hornblower 1996, 359.

<sup>11</sup> Kahstedt 1938, 25-32; cf. more recently Thomas 1989, 38-83.

<sup>12</sup> Wilhelm 1909, 229-99. More recent expressions of Wilhelm's arguments can be found in Woodhead 1981, 27-8; Robertson 1990, 43-4; Sickinger 1994; Pritchett 1996, 26.

<sup>13</sup> Inscribed decrees in the fifth century tend to be limited to honorary decrees (*IG* i<sup>3</sup> 17, 18, 19, 20, 23, 24, 27), foreign affairs (*IG* i<sup>3</sup> 9, 10, 11, 12, 14, 15, 16, 21) and religious matters (*IG* i<sup>3</sup> 4, 5, 6, 7, 8, 32, 35, 36, 50). Until the end of the fifth century decrees relating to "secular" affairs are absent from the epigraphical record: cf. Immerwahr 1990, 122-3.

<sup>14</sup> Cf. Sickinger 1999, 76.

<sup>15</sup> *IG* i<sup>3</sup> 161 = ML 65, where relevant bibliography can be found.

<sup>16</sup> Plut. *Alk.* 21.

<sup>17</sup> Cf. e.g. *IG* ii<sup>2</sup> 6 = Tod 98 (the "Attic Stelai"); *IG* i<sup>3</sup> 229; *IG* ii<sup>2</sup> 52 and 66; *Hesperia* 17, 1948, 54-60 no. 65 (later copies of decrees annulled by the Thirty).

<sup>18</sup> Andok. 2.23. For the view that the secretaries of the Boule were responsible for the preservation of records of decrees in the fifth century, cf. Sickinger 1999, 73-83.

<sup>19</sup> *IG* ii<sup>2</sup> 1 = Tod 97 lines 61-2.

<sup>20</sup> Ar. Av. 1024-5; Meiggs 1972, 586; Dunbar 1995, 564-5; Sickinger 1999, 79-80.

<sup>21</sup> *IG* i<sup>3</sup> 292-358.

<sup>22</sup> *IG* i<sup>3</sup> 436-51 (Parthenon); 462-6 (Propylaia); 474-9 (Erechtheion).

- <sup>23</sup> Cf. FF 36, 121 with discussion below at pp. 158-9.
- <sup>24</sup> *IG ii*<sup>2</sup> 1132, esp. lines 28-31 and 90-1; *Fouilles de Delphes* 3:2 no. 68, pp. 71-4; cf. Kahrstedt, 1938, 26 with n.5 and Posner 1972, 107.
- <sup>25</sup> Aischin. 3.123-5.
- <sup>26</sup> For similar arguments, cf. Sickinger 1999, 176-85.
- <sup>27</sup> *IG i*<sup>3</sup> 104; Lys. 30; Andok. 1.83-4. The idea that the activities of the ἀναγγραφείς resulted in a full-scale re-codification of Athenian law has been stated in varying degrees over the last hundred years, but, with one notable exception (cf. Robertson 1990, whose views will receive closer attention below), the prevailing assumption is that a code of laws was produced between 410 and 399: cf. Schreiner 1913; Jacoby 1949, 154; Hignett 1952, 17-27; Dow 1953-7; *ibid* 1961; *ibid* 1963; Fingarette 1971; Ostwald 1986, 523-5; Clinton 1987; Rhodes 1991; Sealey 1993, 73-80; Sickinger 1999, 94-105.
- <sup>28</sup> Cf. esp. Jacoby 1949, 215; Hignett 1952, 12-17; Day and Chambers 1962, 89; Thomas 1989, 90-1.
- <sup>29</sup> Cf. esp. Hignett 1952, 12-27.
- <sup>30</sup> Scholars cited at n. 22.
- <sup>31</sup> For full discussion of the chronology, cf. Clinton 1982.
- <sup>32</sup> Lys. 30. 17-8.
- <sup>33</sup> Lys. 30. A full survey and discussion of the extant epigraphical fragments of the sacred calendar (*IG i*<sup>3</sup> 105) is given by Dow 1961. That the principal bone of contention was details of the sacred calendar is argued persuasively by Robertson 1990, 67-8.
- <sup>34</sup> For contrasting views, cf. Ruschenbusch 1956, 123-8; Dow 1961, 58-73; Fingarette 1971, 370-5; Clinton 1982, 32 and 35; Rhodes 1991, 94.
- <sup>35</sup> Andok. 1.83-4.
- <sup>36</sup> Dow 1961.
- <sup>37</sup> Robertson 1990, 47-8.
- <sup>38</sup> Cf. scholars cited at n. 43.
- <sup>39</sup> As suggested, though without supporting argument, by Rhodes (1991, 93).
- <sup>40</sup> As observed by Sealey 1993, 75.
- <sup>41</sup> For a detailed and extensive discussion of the problems facing re-construction of the text of the law, cf. Stroud 1968, 7-18.
- <sup>42</sup> For a summary of the different scholarly hypotheses advanced, cf. Stroud 1968, 35-6 with nn 18 and 20.
- <sup>43</sup> Stroud 1968 *passim*, esp. 34-47.
- <sup>44</sup> Gagarin 1981.
- <sup>45</sup> The modern inference that Plutarch did not see the original axon but a later copy rests on Plutarch's statement that the axones survived only in small fragments in his own day (cf. Plut. *Sol.* 25.1; Hignett 1952, 17; Ruschenbusch 1966, 1-5).
- <sup>46</sup> For a full discussion of the range of evidence bearing upon the axones and kyrbeis, cf. Stroud 1979.
- <sup>47</sup> Cf. Marincola 1997.
- <sup>48</sup> Cf. Ch. I.
- <sup>49</sup> Cf. below.
- <sup>50</sup> Cf. Thuc. 1.20.
- <sup>51</sup> F 1.
- <sup>52</sup> As suggested by Jacoby (*Text* 263-4). On the importance for the historian of presenting his work as a rival to the works of predecessors, see the discussion of Marincola as cited at note 47.
- <sup>53</sup> Sud. s.v. *Philochoros* = T 1; for Philochoros' rivalry with Demon over the Attic king list, cf. Jacoby 1949, 243, n. 30.
- <sup>54</sup> F 2
- <sup>55</sup> Cf. Hdt. 1.176; Ar. *Ach.* 33; Thuc. 2.17.1; AP 16.3; Jacoby *Text* 261.
- <sup>56</sup> Here I follow the assumption of Jacoby (*Text* 264) that the definition supplied by the lexicographer derives from Philochoros.
- <sup>57</sup> F 94; cf. Thuc. 2.15.1-2.
- <sup>58</sup> See previous note.
- <sup>59</sup> Cf. Chapter I; Jacoby *Text* 262.
- <sup>60</sup> Jacoby *Text* 261-3.
- <sup>61</sup> FF 93-8.
- <sup>62</sup> F 93.
- <sup>63</sup> For the variety of explanations offered, cf. schol. Ar. *Plut.* 773; Sud. s.v. *Prometheus*; Plut. *Mor.* 551ef; schol. Aristeid. p. 24; Diod. 1.28.6.
- <sup>64</sup> F 98. See discussion below, pp. 146-8.



- <sup>65</sup> *FGrHist* 324 F 16.
- <sup>66</sup> F 94.
- <sup>67</sup> Hdt. 1.145. The number twelve appears throughout the Atthidographic tradition in other contexts: cf. *FGrHist* 323 F 8; AP 21.1-2.
- <sup>68</sup> Thuc. 1.5.1; 1.7; 1.8.3.
- <sup>69</sup> Hdt. 1.71.1; Thuc. 1.4.8. It will be noted, however, that Herodotos and Thucydides dated the Karian thalassocracy differently relative to the reign of Minos in Crete.
- <sup>70</sup> *FGrHist* 4 F 51.
- <sup>71</sup> F 97.
- <sup>72</sup> Cited below n.73.
- <sup>73</sup> Schol. Ar. *Plut.* 773 (= Sud. s.v. *Kekrops*) ; followed by Ioannes Antiochos (= Sud. s.v. *Prometheus*).
- <sup>74</sup> Jacoby *Text* 402-3.
- <sup>75</sup> Macr. *Sat.* 1.7.36.
- <sup>76</sup> Cf. FF 8-9.
- <sup>77</sup> Paus. 1.26.5; 8.2.2-3.
- <sup>78</sup> Diod. 5.56.5-6.
- <sup>79</sup> Paus. 1.27.1.
- <sup>80</sup> Cf. Epicharmos *ap.* schol. Pind. *Ol.* 9.70 bc.
- <sup>81</sup> Paus. 1.18.8; Strab. 9.4.1.
- <sup>82</sup> *FGrHist* 239 A 4.
- <sup>83</sup> Cf. Thuc. 2.15.4; *FGrHist* 115 F 347; 325 FF 14, 25, 26.
- <sup>84</sup> Eustath. *Ad Il.* 1.10.
- <sup>85</sup> F 95.
- <sup>86</sup> Jacoby *Text* 400.
- <sup>87</sup> Aθπ. fr. 5.
- <sup>88</sup> That this portion of the narrative comes from Book II is only an assumption. It is noteworthy that the tale of the Pelasgian expulsion pre-dates Kekrops in Herodotos' version (cf. Hdt. 8.44).
- <sup>89</sup> F 99.
- <sup>90</sup> F 101.
- <sup>91</sup> F 100.
- <sup>92</sup> The dispute begins with Hekataios and Herodotos (discussed below) and is echoed in F 99.
- <sup>93</sup> This etymology goes back to the historian Hippias (*FGrHist* 6 F 6).
- <sup>94</sup> For their possibly appearance in the *Atthis* of Kleidemos, cf. *FGrHist* 323 F 16.
- <sup>95</sup> *FGrHist* 239 A 45. They are also mentioned by Strabo (5.4.2), but his evidence may be based on the *Atthis* of Philochoros himself (cf. Jacoby *Text* 408).
- <sup>96</sup> It is true, however, that Sophokles refers to τυρσάνοισι Πελασγοῖς (fr. 248 Nauck), and Thucydides mentions that there were on Athos many of mixed tongue, including in his list the Pelasgians and Tyrsenians (4.109.4). Nevertheless, the identity is alien to Herodotos (cf. Hdt. 1.57.3; 7.94; 8.44.2).
- <sup>97</sup> *FGrHist* 1 F 127 = Hdt. 6.137.1. A similar version of the story is preserved in later sources: cf. Paus. 1.28.3; Dion. Hal. 1.28.4; schol. Ar. *Av.* 832; Phot. s.v. *Pelargikon*.
- <sup>98</sup> Hdt. 6.138-40; 4.145.2.
- <sup>99</sup> Jacoby *Text* 414.
- <sup>100</sup> See above.
- <sup>101</sup> Cf. Hdt. 6.137-8.
- <sup>102</sup> Hom. *Hymn Dionys.* 7; Hes. *Theog.* 1011. Cf. also Hdt. 6.17.
- <sup>103</sup> Though Jacoby did assign the fragments pertaining to the mythological origins of the Areiopagos (FF 3-4) to his reign.
- <sup>104</sup> F 5.
- <sup>105</sup> Paus. 1.38.8; *FGrHist* 323a F 23; *FGrHist* 327 F 1.
- <sup>106</sup> Paus. 1.2.5; schol. Ar. *Ach.* 242; Jacoby *Text* .
- <sup>107</sup> Thuc. 2.15.4; cf. also Paus. 1.2.5.
- <sup>108</sup> Plin. *N.H.* 7.199
- <sup>109</sup> Jacoby *Text* 269-71.
- <sup>110</sup> *FGrHist* 239 A 12.
- <sup>111</sup> Eus. *Abr.* 520.
- <sup>112</sup> F 6.
- <sup>113</sup> Ar. *Eq.* 270; *Ran.* 1015; Arist. *NE* 1108b23.
- <sup>114</sup> Cf. Eur. *Bacch.* 274ff.
- <sup>115</sup> Eus. *Chron.* 712/20 (Synkell. P.307 I Bonn) = F 7a.

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- <sup>116</sup> Malal. *Chron.* II p.44, 21 Bonn = F 7b.  
<sup>117</sup> Kallim. fr. 643Pf; Orph. Fr. 35. Cf Jacoby *Text* 271-2.  
<sup>118</sup> Eur. *Bacch.* 353.  
<sup>119</sup> *FGrHist* 323a F 2; 324 F 2; 239 A 10.  
<sup>120</sup> F 8.  
<sup>121</sup> F 9.  
<sup>122</sup> Ar. *Ach.* 242.  
<sup>123</sup> Xen. *Symp.* 4.17.  
<sup>124</sup> *IG ii<sup>2</sup>* 334.  
<sup>125</sup> *IG ii<sup>2</sup>* 457; Paus. 1.29.16; Plut. *Mor.* 852C.  
<sup>126</sup> F 10.  
<sup>127</sup> schol. Ar. *Lys.* 439.  
<sup>128</sup> *Il.* 2.550-1.  
<sup>129</sup> *FGrHist* 2 F 30.  
<sup>130</sup> FF 99-101, discussed above pp. .  
<sup>131</sup> Hdt. 7.189.  
<sup>132</sup> *FGrHist* 325 F 4.  
<sup>133</sup> Plat. *Phaidr.* 229.  
<sup>134</sup> *FGrHist* 325 F 4.  
<sup>135</sup> F 12.  
<sup>136</sup> F 13.  
<sup>137</sup> *FGrHist* 1 F 16.  
<sup>138</sup> Hdt. 1.147.1.  
<sup>139</sup> *FGrHist* 323 F 19  
<sup>140</sup> Thuc. 2.15.1  
<sup>141</sup> Eur. fr. 362 Nauck  
<sup>142</sup> Isokr. *Panath.* 193.  
<sup>143</sup> *FGrHist* 239 A 12/5; Just. 2.6.12; Hekataios of Abdera *apud* Diod. 1.29.3.  
<sup>144</sup> F 208.  
<sup>145</sup> *FGrHist* 10 F 13; 239 A 15.  
<sup>146</sup> *FGrHist* 239 A 14/5.  
<sup>147</sup> Cf. Jacoby *Text* 284.  
<sup>148</sup> F 21  
<sup>149</sup> Hdt. 1.29  
<sup>150</sup> Plat. *Phaidr.* 235D  
<sup>151</sup> *Aθπ.* 7.1; 5.55.5.  
<sup>152</sup> F 23.  
<sup>153</sup> *FGrHist* 131 FF 5-6.  
<sup>154</sup> *FGrHist* 275 F 84.  
<sup>155</sup> F 24.  
<sup>156</sup> F 25.  
<sup>157</sup> F 26.  
<sup>158</sup> Cf. Ch. II.  
<sup>159</sup> F 27.  
<sup>160</sup> Hes. fr. 106.  
<sup>161</sup> DK 2 B 9.  
<sup>162</sup> *FGrHist* 325 F 5.  
<sup>163</sup> *FGrHist* 323 F 2.  
<sup>164</sup> Cf. *FGrHist* 12 F 8.  
<sup>165</sup> F 28. Cf. also Soph. *OK* 1061.  
<sup>166</sup> F 202.  
<sup>167</sup> *FGrHist* 262 F 3.  
<sup>168</sup> Plut. *Them.* 10.10; Ael. *Nat. Anim.* 12.35.  
<sup>169</sup> Thuc. 6.32.  
<sup>170</sup> *FGrHist* 323 F 21.  
<sup>171</sup> F 115.  
<sup>172</sup> Pind. *Pyth.* 7  
<sup>173</sup> Hdt. 5.62.  
<sup>174</sup> Isokr. 7.16.



- <sup>175</sup> Aθπ. 19.4.  
<sup>176</sup> Paus. 10.5.13.  
<sup>177</sup> F 32.  
<sup>178</sup> Thuc. 1.101.2.  
<sup>179</sup> F 114.  
<sup>180</sup> *FGrHist* 324 F 34.  
<sup>181</sup> Aθπ. 6.1.  
<sup>182</sup> Plut. *Sol.* 15.2.  
<sup>183</sup> F 22b. The quotation of Harpokration (22a) appears corrupt.  
<sup>184</sup> Peek, *Herm.* 70, 1935, 461 = *IG* i2. 837. Cf. also [Plat.] *Hipparch.* 228f.  
<sup>185</sup> F 31.  
<sup>186</sup> Paus. 1.15.1; Luk. *Iup. Trag.* 33; schol. Ar. *Eq.* 297.  
<sup>187</sup> T 1. Cf Ch 1, p.8.  
<sup>188</sup> Thuc. 6.54.7.  
<sup>189</sup> F 117.  
<sup>190</sup> Thuc. 1.104.  
<sup>191</sup> Ar. *Lys.* 1138-44.  
<sup>192</sup> Schol. Ar. *Lys.* 1144.  
<sup>193</sup> Sickinger 1999, 122-7.  
<sup>194</sup> F 33.  
<sup>195</sup> Aθπ. 27.3.  
<sup>196</sup> Sickinger 1999, 64-72.  
<sup>197</sup> F 34ab.  
<sup>198</sup> Cf. Thuc. 1.112.5.  
<sup>199</sup> Plut. *Per.* 21.  
<sup>200</sup> Cf. Sickinger 1999, 127, 131-3.  
<sup>201</sup> F 118.  
<sup>202</sup> Thuc. 1.114.  
<sup>203</sup> Diod. 12.22.2.  
<sup>204</sup> Plut. *Per.* 23.3.  
<sup>205</sup> Though it is true that Theopompos (*FGrHist* 115 F 387) alluded to the incident.  
<sup>206</sup> Cf. Strab. 10.1.3. A decree is quoted by the lexicographer Hesychios (s.v. *Eretriakos katalogos*) dating from the archonship of Diphilos (442/1) enjoining that the richest be taken from Hestiaia as hostages.  
<sup>207</sup> Ar. *Vesp.* 718-22.  
<sup>208</sup> The figure given by the scholiast is thirty thousand, but this does not add up arithmetically. Quite possibly the figure is corrupt.  
<sup>209</sup> F 119.  
<sup>210</sup> Plut. *Per.* 37.3.  
<sup>211</sup> *Pace Jacoby Text* 477.  
<sup>212</sup> *FGrHist* 245 F 1.  
<sup>213</sup> Cf. e.g. Thuc. 2.31; 3.87.3; 4.102.2.  
<sup>214</sup> Cf. AP 24.3; [Dem] 25.51; Plat. *Krit.* 112d; Hdt. 5.97.2; 8.65.1; Plat. *Symp.* 175e; Ar. *Ekk.* 1131ff; [Plat.] *Axi.* 368.  
<sup>215</sup> *Jacoby Text* 415.  
<sup>216</sup> *IG* ii<sup>2</sup> 657.  
<sup>217</sup> Ar. *Ach.* 514-7; cf. Hdt. 1.1.  
<sup>218</sup> Ar. *Pax* 605-18.  
<sup>219</sup> F 121.  
<sup>220</sup> Thuc. 2.13.5.  
<sup>221</sup> *FGrHist* 104 F 1.  
<sup>222</sup> Plut. *Per.* 31.5.  
<sup>223</sup> Cf. Kallim. *Iamb.* fr. 196Pf.  
<sup>224</sup> Plut. *Per.* 31.5.  
<sup>225</sup> Sickinger 1999, 65.  
<sup>226</sup> F 36.  
<sup>227</sup> Plut. *Per.* 13.8.  
<sup>228</sup> *IG* i2. 395.  
<sup>229</sup> *FGrHist* 115 F 136.

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- <sup>230</sup> F 37.
- <sup>231</sup> *IG* i2. 114 line 35a.
- <sup>232</sup> Jacoby *Text* 324.
- <sup>233</sup> F 125.
- <sup>234</sup> Soph. *OK* 698.
- <sup>235</sup> *FGrHist* 324 F 39.
- <sup>236</sup> F 126.
- <sup>237</sup> Thuc. 7.9.
- <sup>238</sup> Cf. Thuc. 2.100, which makes no statement as to when Perdikkas acceded to the throne.
- <sup>239</sup> *FGrHist* 135/6 T 1.
- <sup>240</sup> F 127.
- <sup>241</sup> Thuc. 3.86.1; 115.2; 4.65.3.
- <sup>242</sup> F 128.
- <sup>243</sup> Thuc. 4.22.
- <sup>244</sup> Cf. section 4.1., pp. 128-9.
- <sup>245</sup> F 129.
- <sup>246</sup> Cf. Thuc. 4.120.1-133.4.
- <sup>247</sup> Ar. *Vesp.* 718.
- <sup>248</sup> F 130.
- <sup>249</sup> *IG* i<sup>2</sup> 376 + Agora I 4068.
- <sup>250</sup> Cf. Thuc. 6.27-8, 60.
- <sup>251</sup> F 133.
- <sup>252</sup> F 134.
- <sup>253</sup> *Andok.* 1.51.
- <sup>254</sup> *Andok.* 1.62.
- <sup>255</sup> Cf. Plut. *Nik.* 13.3 ; *Nep. Alc.* 3.2.
- <sup>256</sup> *FGrHist* 64 F 3.
- <sup>257</sup> *FGrHist* 326 F 3.
- <sup>258</sup> Cf. section 4.1, pp. 128.
- <sup>259</sup> Echoed later in [Plut.] *Mor.* 834d; Plut. *Alk.* 18.7; Phot. *Lex.* s.v. *Hermokopidai*.
- <sup>260</sup> F 135.
- <sup>261</sup> Thuc. 7.50.4.
- <sup>262</sup> *FGrHist* 353 F 7.
- <sup>263</sup> F 137.
- <sup>264</sup> Cf. Thuc. 8.70.1; 93.3.
- <sup>265</sup> Paus. 1.23.9
- <sup>266</sup> *IG* i2. 108.
- <sup>267</sup> F 139.
- <sup>268</sup> Cf. Diod. 13.52.2.
- <sup>269</sup> Compare F 128, discussed above (p. 160).
- <sup>270</sup> Ar. *Plout.* 972.
- <sup>271</sup> F 140.
- <sup>272</sup> *IG* i<sup>3</sup> 105. Note that similar arrangements were made in the assembly in the time of Thoukydides son of Melesias: cf. Plut. *Per.* 11.2.
- <sup>273</sup> F 40
- <sup>274</sup> *IG* ii<sup>2</sup> 1656-64.
- <sup>275</sup> Cf. Sickinger 1999, 75-8.
- <sup>276</sup> F 148.
- <sup>277</sup> Cf. *Hell. Oxy* 11-13.
- <sup>278</sup> *IG* ii<sup>2</sup> 14. Cf. also Schweigert, *Hesp.* 8, 1939, 1.
- <sup>279</sup> Xen. *Hell.* 3.5.7; *Andok.* 3.25; cf. also Paus. 3.9.11.
- <sup>280</sup> Dem. 10.34.
- <sup>281</sup> Cf. Xen. *Hell.* 5.2.1.
- <sup>282</sup> Cf. Xen. *Hell.* 4.8.12-18.
- <sup>283</sup> On Didymos' inadequacy as a scholar, cf. West 1970 and Harris 1989.
- <sup>284</sup> For the view that the fragment refers to the events of 387/6 and that Didymos has cited it under the wrong archontic year, cf. Hamilton 1979, Bruce 1966 and Badian 1993. This position has, however, been satisfactorily refuted by Keen 1996 and 1998.
- <sup>285</sup> Cited above, n. 282.



- <sup>286</sup> Andok. 3 *passim*.
- <sup>287</sup> Cf. Keen 1995, 7-8.
- <sup>288</sup> Why, for example, would Konon, the admiral of the Persian fleet, have headed an Athenian embassy to Sardis? Why, when the Spartans were prepared to recognise Persian suzerainty over the whole of Asia Minor, would the Persian King on learning of the breakdown of the negotiations have replaced Tiribazos with Strouthas and continued to wage war on the one Greek state that was prepared to accept his claims in Asia Minor? Cf. Jacoby, *Text* 516.
- <sup>289</sup> Xen. *Hell.* 4.8.16. Cf. Jacoby *Text* 516-7.
- <sup>290</sup> That documentary evidence of this kind survived is suggested by the statement of Andokides' biographer ([Plut] *Mor.* 835a) and by the reference of Demosthenes (19.277) to the death sentence of Epikrates "when they negotiated against the written terms."
- <sup>291</sup> F 151.
- <sup>292</sup> Isokr. *Antid.* 109; cf. also Nep. *Timoth.* 2. The date of the expedition is supplied by the evidence of Diod. 15.38 and is confirmed by the archontic date supplied by Dion. Hal. *Lys.* 12.
- <sup>293</sup> Diod. 15.38. The question of whether Diodoros' narrative contains a doublet is explored in detail by Lauffer (1959), whose arguments need not be re-produced here.
- <sup>294</sup> Xen. *Hell.* 6.2.1. That Xenophon's testimony is grossly incomplete was argued convincingly by Roos (1946) and has been accepted by scholars since.
- <sup>295</sup> Paus. 1.8.2.
- <sup>296</sup> Nep. *Timoth.* 2.
- <sup>297</sup> *IG* ii<sup>2</sup>. 1946 col. IVa, 94/5; cf. Jacoby *Text* 524.
- <sup>298</sup> Dem. 4.24.
- <sup>299</sup> Ar. *Plut.* 173.
- <sup>300</sup> *FGrHist* 324 F 48.
- <sup>301</sup> F 150.
- <sup>302</sup> Xen. *Hell.* 4.5.17; Plut. *Ages.* 22.4.
- <sup>303</sup> Xen. *Hell.* 4.5.11.
- <sup>304</sup> Cf. Diod. 14.91.2.
- <sup>305</sup> Dem. 4.24.
- <sup>306</sup> F 41.
- <sup>307</sup> Dem. 27.7.
- <sup>308</sup> *FGrHist* 323 F 8.
- <sup>309</sup> F 42.
- <sup>310</sup> Cf. *FGrHist* 115 F 307.
- <sup>311</sup> [Dem.] 50.4-5. Cf. also Dem. 23.104, 169.
- <sup>312</sup> F 43.
- <sup>313</sup> [Dem.] 50.14, 20-3.
- <sup>314</sup> *IG* XII 8, p. 79.
- <sup>315</sup> F 44.
- <sup>316</sup> *IG* XII, 8, p. 79, 81. Cf. Isokr. 24; Zenob. *Prov.* 4.34; [Dem.] 50.47-8. Philochoros' literary sources will of course have included Theopompos (*FGrHist* 115 F 43) and Ephoros (*FGrHist* 70 F 37).
- <sup>317</sup> Cf. Ch. I, p. 17.
- <sup>318</sup> F 152.
- <sup>319</sup> Diod. 16.21.4; cf. Nep. *Timoth.* 3.4. Diodoros wrongly narrates the trial in 356/5.
- <sup>320</sup> Dion. Hal. *Dein.* 13.
- <sup>321</sup> Cf. Isokr. *Antid.* 129; Nep. *Tim.* 3.5; *Iphicr.* 3.3; Diod. 16.21.4.
- <sup>322</sup> *IG* ii<sup>2</sup> 1612.
- <sup>323</sup> F 153. Jacoby, *Text* 528-9.
- <sup>324</sup> Dem. 19.84.
- <sup>325</sup> Diod. 16.37.3.
- <sup>326</sup> F 154.
- <sup>327</sup> Diod. 18.18.9; Isokr. *Antid.* 111-2; Diod. 16.34.3.
- <sup>328</sup> Schol. Aischin. 1.53.
- <sup>329</sup> *IG* ii<sup>2</sup> 1437 line 20.
- <sup>330</sup> Dem. 4.34.
- <sup>331</sup> *FGrHist* 324 F 24.
- <sup>332</sup> F 47.
- <sup>333</sup> F 48.
- <sup>334</sup> Thuc. 3.33.2; 77.3.

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- <sup>335</sup> Ar. Av. 1204.  
<sup>336</sup> Aθπ. 61.7.  
<sup>337</sup> Diod. 20.46.2; Plut. *Demetr.* 10.  
<sup>338</sup> Cf. above note.  
<sup>339</sup> F 155.  
<sup>340</sup> *FGrHist* 324 F .  
<sup>341</sup> *IG ii<sup>2</sup>* 204.  
<sup>342</sup> FF 49-51.  
<sup>343</sup> *IG ii<sup>2</sup>* 258.  
<sup>344</sup> *FGrHist* 115 F 143.  
<sup>345</sup> *IG ii<sup>2</sup>* 36; 43b line 5; 44 line 20.  
<sup>346</sup> Cf F 49 and 51.  
<sup>347</sup> *FGrHist* 324 F 52.  
<sup>348</sup> F 52.  
<sup>349</sup> Schol. Aischin. 1.77.  
<sup>350</sup> Hyp. Dem. 57.  
<sup>351</sup> Cf. Aischin. 1.77; 86; 114; 2.182.  
<sup>352</sup> *FGrHist* 72 F 28.  
<sup>353</sup> *FGrHist* 324 F 53.  
<sup>354</sup> F 157.  
<sup>355</sup> Hyp. Dem. 6.  
<sup>356</sup> Jacoby *Text* 532.  
<sup>357</sup> Cf. Hdt. 8.141.  
<sup>358</sup> Cf. Thuc. 1.31.  
<sup>359</sup> Jacoby, *Text* 531-3.  
<sup>360</sup> For a modern re-construction of the events, cf. Cawkwell 1963.  
<sup>361</sup> F 158.  
<sup>362</sup> Schol. Aischin. 3.83.  
<sup>363</sup> Cf. Hyp. Dem. 8.  
<sup>364</sup> *IG ii<sup>2</sup>* 225.  
<sup>365</sup> For the modern debate as to the sequence of events in Euboia, cf. Cawkwell ( ) and Brunt ( ).  
<sup>366</sup> F 159.  
<sup>367</sup> F 160.  
<sup>368</sup> Aischin. 3.94.  
<sup>369</sup> Dem. 9.59.  
<sup>370</sup> *IG ii<sup>2</sup>* 230.  
<sup>371</sup> Dion. Hal. *Ad Amm.* 11.  
<sup>372</sup> F 54.  
<sup>373</sup> F 55.  
<sup>374</sup> F 56a.  
<sup>375</sup> F 56b.  
<sup>376</sup> *IG ii<sup>2</sup>* 1668. Cf. Also [Plut.] *Mor.* 852c and *IG ii<sup>2</sup>* 457 and 505.  
<sup>377</sup> Aischin. 3.140; Dem. 18. 168. Cf. Diod. 16.84.2; Plut. *Dem.* 18.1.  
<sup>378</sup> F 55.  
<sup>379</sup> F 57.  
<sup>380</sup> Cf. *IG ii<sup>2</sup>* 333.  
<sup>381</sup> F 61.  
<sup>382</sup> Jacoby. *Text* 335.  
<sup>383</sup> Cf. Ar. *Lys.* 835; Paus. 1.22.3.  
<sup>384</sup> *IG ii<sup>2</sup>* 1356; 1472; 5129.  
<sup>385</sup> *IG ii<sup>2</sup>* 1359 line 49.  
<sup>386</sup> Schol. Soph. *OK* 1600.  
<sup>387</sup> F 60.  
<sup>388</sup> [Dem.] 25.79-80. Cf. Plut. *Dem.* 14.6.  
<sup>389</sup> F 58.  
<sup>390</sup> *IG ii<sup>2</sup>* 1623 line 290; 1630 line 5.  
<sup>391</sup> Cf. Ch. 1, p. 11.  
<sup>392</sup> F 163.  
<sup>393</sup> Hyper. 1. cols. 9-10. Cf. also Plut. *Dem.* 25.4; Dein. 1.89.



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<sup>394</sup> [Plut.] *Mor.* 848f.

<sup>395</sup> F 164.

<sup>396</sup> Plut. *Dem.* 30.1; [Plut] *Mor.* 837A; Phot. *Bibl.* P. 494 b 36. Cf. Jacoby, *Text* .

<sup>397</sup> *Dem.* 18.107.

<sup>398</sup> F 63.

<sup>399</sup> Lex. Rhet. P. 203.22 s.v. *apostoleis*; Poll. 8.99; Hesych, s.v. *apostoleus*. Cf. schol. Aischin. 2.177.

<sup>400</sup> Cf. *Dem.* 4.35; 18.80; 107; Aischin. 2.177.

<sup>401</sup> F 64a.

<sup>402</sup> Poll. 8.102 (= schol. Plat. *Phaid.* 59e); schol. Ar. *Vesp.* 1108.

<sup>403</sup> F 64b.

<sup>404</sup> *Aqp.* 25.2.

<sup>405</sup> F 65.

<sup>406</sup> Cf. *FGrHist* 76 F 10.

<sup>407</sup> Cf. Poll. 8.112; Hesych. s.v. *platanos*; Harpokr. s.v. *gunaikonomoi*.

<sup>408</sup> Ael. *V.H.* 13.24.

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